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PRIVATE

AND

LOCAL LAWS

PASSED BY THE

LEGISLATURE OF WISCONSIN

IN THE YEAR

EIGHTEEN HUNDRED AND SIXTY-TWO.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
SMITH & CULLATON, STATE PRINTERS, ARGUS OFFICE.
1862.

1970

LIST OF MEMBERS AND OFFICERS.

"SECTION 1. * * * There shall be prefixed to each volume of the laws hereafter published, the names and residences of the several state officers, the senators and members of assembly, and the presiding officers and clerks of both branches of the legislature, at the time of the passage of such laws."—*General laws of 1854, chapter 94.*

NAMES AND RESIDENCES

Of the state officers, senators, members of the assembly, presiding officers and clerks of both branches of the legislature, in office at the time of the passage of the laws contained in this volume:

NAME.	OFFICE.	RESIDENCE.	
		Post Office.	*County.*
Louis P. Harvey	Governor	Shopiere	Rock.
William H. Watson	Private Sec. Governor	Milwaukee	Milwaukee.
Edward Salomon	Lieut. Governor	Milwaukee	Milwaukee.
James T. Lewis	Secretary of State	Columbus	Columbia.
Edward Ilsley	Ass't Sec. of State	Madison	Dane.
Samuel D. Hastings	State Treasurer	Trempealeau	Trempeal'u
Chauncey H. Purple	Ass't State Treasurer	Waukesha	Waukesha.
James H. Howe	Attorney General	Green Bay	Brown.
J. J. McClellan	Ass't Attorney General	Oconto	Oconto.
Josiah L. Pickard	State Superintendent	Platteville	Grant.
A. J. Craig	Ass't State Superinten't.	Palmyra	Jefferson.
William H. Ramsey	Bank Comptroller	Ozaukee	Ozaukee.
Andrew E. Elmore	Bank Register	Mukwonago	Waukesha.
Edward D. Ilsley	Ass't Bank Register	Madison	Dane.
Alexander P. Hodges	State Prison Commis'r	Oshkosh	Winnebago.
Samuel C. Bean	State Librarian	Sun Prairie	Dane.
Nathaniel Sawyer	Sup't Public Property	Shopiere	Rock.
Luther H. Cary	Senator	Greenbush	Sheboygan.
Edward Hicks	do	Green Bay	Brown.
Hugh Cunning	do	Ozaukee	Ozaukee.
F. O. Thorp	do	West Bend	Washingt'n
Charles Quentin	do	Milwaukee	Milwaukee.
Edward Keogh	do	Milwaukee	Milwaukee.
William L. Utley	do	Racine	Racine.
Herman S. Thorp	do	Cypress	Kenosha.
John T. Kingston	do	Necedah	Juneau.
Geo. C. Pratt	do	Waukesha	Waukesha.
Samuel C. Bean	do	Sun Prairie	Dane.

Name.	Office.	Residence.	
		Post Office.	*County.*
Wyman Spooner	Senator	Elkhorn	Walworth.
Samuel Cole	do	Gratiot	La Fayette.
Smith S. Wilkinson	do	Prairie du Sac	Sauk.
L. W. Joiner	do	Wyoming	Iowa.
Milas K. Young	do	Glen Haven	Grant.
Ezra A. Foote	do	Footeville	Rock.
Joel Rich	do	Juneau	Dodge.
George A. Jenkins	do	Charlestown	Calumet.
G. W. Mitchell	do	Ripon	Fond du Lac
S. M. Hay	do	Oshkosh	Winnebago.
Thos. R. Hudd	do	Appleton	Outagamie.
E. Montgomery	do	Farmington	Jefferson.
Edmund A. West	do	Monroe	Green.
Gerry W. Hazelton	do	Columbus	Columbia.
Benj. F. Hopkins	do	Madison	Dane.
E. L. Browne	do	Waupacca	Waupacca.
H. L. Humphrey	do	Hudson	St. Croix.
Charles S. Kelsey	do	Montello	Marquette.
N. S. Cate	do	De Soto	Bad Ax.
Edwin Flint	do	La Crosse	La Crosse.
M. D. Bartlett	do	Durand	Pepin.
Sat. Clark	do	Horicon	Dodge.
J. W. Beardsley, Speaker	Member of Assembly	Prescott	Pierce.
George Abert	do	Milwaukee	Milwaukee.
R. F. Adams	do	Door Creek	Dane.
F. P. Arnold	do	South Grove	Walworth.
John Bannister	do	Beloit	Rock.
H. W. Barnes	do	Eau Claire	Eau Claire.
Q. H. Barron	do	Fox Lake	Dodge.
Thos. Barry	do	Erin	Washington
R. L. Bassett	do	Wilmot	Kenosha.
A. C. Bates	do	Janesville	Rock.
D. R. Bean	do	Waukau	Winnebago.
Jona. Bowman	do	Newport	Columbia.
H. W. Boyce	do	Geneva	Walworth.
John Boyd	do	Calumet	Fond du Lac
William Brandon	do	Smeltzer's Grove.	Grant.
G. W. Brown	do	Brookfield Center.	Waukesha.
O. Brown	do	Gilmanton	Buffalo.
Thomas Butler	do	Mt. Pleasant	Racine.
James Cahill	do	Franklin	Manitowoc.
R. Wilson	do	Dodgeville	Iowa.
James Catton	do	Burlington	Racine.
W. H. Chandler	do	Windsor	Dane.
Milo Coles	do	Borina	Outagamie.
C. D. Combs	do	North Royalton	Waupacca.
J. B. Crosby	do	Palmyra	Jefferson.
Benj. Dockstader	do	Plymouth	Sheboygan.
William Dutcher	do	Columbus	Columbia.
Geo. W. Elliott	do	Ahnepee	Kewaunee.
Fred. S. Ellis	do	Green Bay	Brown.
W. W. Field	do	Fennimore	Grant.

Name.	Office.	Residence.	
		Post Office.	*County.*
Adam Finger	Member of Assembly	Milwaukee	Milwaukee.
L. O. Gage	do	Richland Center	Richland.
Peter D. Gifford	do	North Prairie	Waukesha.
W. S. Green	do	Milford	Jefferson.
Geo. K. Gregory	do	Milwaukee	Milwaukee.
H. C. Griffin	do	Oak Grove	Dodge.
Orrin Guernsey	do	Rock	Rock.
G. H. Hall	do	Dell Prairie	Adams.
H. C. Hamilton	do	Wauconsta	Fond du Lac
C. F. Hammond	do	Ripon	Fond du Lac
W. E. Hanson	do	Oshkosh	Winnebago.
S. Hanson	do	La Grange	Walworth.
W. W. Hatcher	do	Waupun	Fond du Lac
C. Hœflinger	do	Wausau	Marathon.
Michael Hogan	do	Menasha	Winnebago.
D. D. Hoppock	do	Rubicon	Dodge.
N. B. Howard	do	Magnolia	Rock.
S. D. Hubbard	do	Scott	Sheboygan.
C. B. Jennings	do	Benton	LaFayette.
Ole Johnson	do	Breckenridge	Bad Ax.
E. Jussen	do	Madison	Dane.
Henry Kirchloff	do	Ten Mile House	Milwaukee.
Hollis Latham	do	Elkhorn	Walworth.
C. D. W. Leonard	do	Dayton	Green.
John F. McCollum	do	Trenton	Dodge.
A. S. McDill	do	Plover	Portage.
Campbell McLean	do	Fond du Lac	Fond du Lac
Michael Maloy	do	Richfield	Washington
N. M. Matts	do	Verona	Dane.
Jacob G. Mayer	do	Le Roy	Dodge.
Saml. Miller	do	Shopiere	Rock.
J. T. Mills	do	Lancaster	Grant.
H. T. Moore	do	Spring Grove	Green.
Joseph M. Morrow	do	Sparta	Monroe.
Saml. Newick	do	Beetown	Grant.
A. Nichols	do	Markesau	Green Lake.
E. Palmer	do	Edgerton	Rock.
H. L. Palmer	do	Milwaukee	Milwaukee.
J. V. V. Platto	do	Milwaukee	Milwaukee.
C. C. Pope	do	Black River Falls	Jackson.
E. K. Rand	do	Manitowoc	Manitowoc.
W. W. Reed	do	Jefferson	Jefferson.
Peter Rogan	do	Watertown	Jefferson.
Saml. Rounseville	do	Memee	Manitowoc.
J. M. Rusk	do	Viroqua	Bad Ax.
Robt Salter	do	Newburg	Washington
Alden S. Sanborn	do	Mazo Manie	Dane.
Robert B. Sanderson	do	Cambria	Columbia.
L. Semmann	do	Oak Creek	Milwaukee.
J. A. Schletz	do	Grafton	Ozaukee.
P. J. Shumway	do	Wauwatosa	Milwaukee.
Godfrey Stamm	do	Sheboygan	Sheboygan.
A. W. Starks	do	Baraboo	Sauk.

Name.	Office.	Residence.	
		Post Office.	*County.*
E. B. Stevens	Member of Assembly	Sturgeon Bay	Door.
T. B. Stoddard	do	La Crosse	La Crosse.
J. M. Stowell	do	Milwaukee	Milwaukee.
Geo. R. Stuntz	do	Superior City	Douglass.
Allen Taylor	do	Dickeyville	Grant.
H. S. Thomas	do	Briggsville	Marquette.
J. E. Thomas	do	Sheboygan Falls	Sheboygan.
O. B. Thomas	do	Prairie du Chien	Crawford.
Sam'l Thompson	do	Hartland	Waukesha.
J. Stephens Tripp	do	Sauk City	Sauk.
C. H. Upham	do	Racine	Racine.
W. A. Vanderpool	do	Vernon	Waukesha.
John H. Vivian	do	Mineral Point	Iowa.
Jas. Wadsworth	do	Darlington	La Fayette.
W. F. Watrous	do	Charlestown	Calumet.
W. C. Webb	do	Wautoma	Waushara.
D. R. W. Williams	do	Werner	Juneau.
R. Wilson	do	Dodgeville	Iowa.
Edward Salomon	Lt. Gov. & Pres. of Senate	Milwaukee	Milwaukee.
J. W. Beardsley	Speaker of Assembly	Prescott	Pierce.
J. H. Warren	Chief Clerk of Senate	Albany	Green.
E. D. Campbell	Ass't Clerk of Senate	La Crosse	La Crosse.
John S. Dean	Chief Clerk of Assembly	Madison	Dane.
E. W. Young	Ass't Clerk of Assembly	Prairie du Sac	Sauk.

Note.—Where a superfluous word has been found in the enrolled bill, it has been printed in the text, but in italics, and inclosed in parenthesis, (*thus.*) Where a word has been found necessary to sustain the sense of the context, or where one word has been obviously mistaken for another, the word supposed to be proper has been supplied, but in brackets, [thus;] and in no case has the text of the enrolled bill been altered.

PRIVATE AND LOCAL LAWS

OF

THE STATE OF WISCONSIN.

CHAPTER 1.

[*Published March* 8, 1862.]

AN ACT to authorize the Bank of the Interior to reduce its capital and change its place of business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of the Interior of this state is hereby permitted to reduce its capital stock to any sum not less than twenty-five thousand dollars, as shall be decided upon by a majority of its stockholders; and is also hereby authorized to remove its place of business from Wausau, Marathon county, Wisconsin, to Berlin, Green Lake county, Wisconsin, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in such certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on

Capital stock may be reduced, and bank removed to Berlin.

Provisos.

which such certificate is filed with the bank comptroller: *provided, also*, the holder or holders of any outstanding circulating notes of said bank, may have such notes presented and the payment thereof demanded, and may cause such note or notes to be protested for non-payment at Berlin, in the same manner [and] with like effect as if the same had been so presented, demanded and protested at the place where such notes are made payable.

Certificate to be filed.

SECTION 2. Before this act shall take effect as to the removal of said bank, the said bank shall file with the register of deeds of Green Lake county, a certificate duly acknowledged, that the same has been removed to Berlin aforesaid.

Ibid.

SECTION 3. The president and cashier of the Bank of the Interior shall file in the office of the register of deeds in the county where such bank is located, a certificate under oath, stating the sum to which the capital stock [of said bank] is reduced.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved January 21, 1862.

CHAPTER 2.

[*Published March* 3, 1862.]

AN ACT to authorize the German bank to reduce its capital.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The German bank of this state is hereby permitted to reduce its capital stock to twenty-five thousand dollars, the outstanding circulating notes of said bank being less than that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen (13) of an act to amend chapter four hundred and seventy-nine (479) of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," and approved May 15th, 1858: *provided*, the said bank shall be required to pay to the

Proviso.

state treasurer all taxes due the state on the full amount of its capital up to and including the day on which this act shall take effect.

SECTION 2. The president and cashier of the German bank shall, immediately after the passage of this act, file in the office of the register of deeds in the county where said bank is located, and where its notes are redeemed, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 21, 1862.

CHAPTER 3.

[*Published March* 3, 1862.]

AN ACT to authorise [authorize] the Waukesha county bank to reduce its capitol [capital.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Waukesha county bank located at Waukesha, is hereby authorised [authorized] to reduce its capitol [capital] stock to fifty thousand dollars, the outstanding circulating notes of said bank being not greater than that sum, and [said bank] having filed a certificate with the secretary of state, in compliance with subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin [for the year 1852,] approved May 15th, 1858: *provided*, that the said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capitol [capital] up to and including the day on which this act shall take effect. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, immediately after its passage, file in the office of the bank comptroller a certificate, under oath, stating the sum to which the capitol [capital] stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force immediately after its passage.

Approved January 24, 1862.

CHAPTER 4.

[*Published March* 3, 1862.]

AN ACT to reduce the capital stock of the Jefferson county bank of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Jefferson county bank is hereby authorized to reduced its capital stock to the sum of of twenty-five thousand dollars, ($25,000,) the outstanding circulating notes of said bank not being greater than that sum, and said bank having filed with the secretary of state a certificate, in compliance with subdivision (13) of an act to amend chapter four hundred and seventy-nine (479) of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of the [its] capital stock up to and including the day on which this act shall take effect.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved January 30, 1862.

CHAPTER 5.

[*Published March* 3, 1862.]

AN ACT to authorize the Bank of Weyauwega to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Weyauwega is hereby permitted to reduce its capital stock to a sum not less than thirty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, [a] certificate under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 30, 1862.

CHAPTER 6.

[*Published March* 8, 1862.]

AN ACT to authorize E. R. Hinckley & Co.'s Bank of Grant county, to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The E. R. Hinckley & Co.'s Bank of Grant county, is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 1, 1862.

CHAPTER 7.

[*Published April* 16, 1862.]

AN ACT to amend an act entitled "an act to amend the charter of the Madison, Watertown and Milwaukee plankroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sec. [section] one of chap. [chapter] 207 [of the private and local laws of 1853,] entitled "an act to amend the charter of the Madison, Watertown and Milwaukee plankroad company," approved April 2, 1853, is hereby amended by adding thereto, "*and provided, further*, that said company, or any agent thereof, shall not collect or exact toll from any person going to or returning from funerals, or from any person or persons going to or returning from any religious meetings on Sunday." Of whom toll not to be collected.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved February 7, 1862.

CHAPTER 8.

[*Published April* 16, 1862.]

AN ACT to legalize the acts and proceedings of a special meeting in school district number 3, in the town of Center, in the county of Outagamie.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The acts of the special meeting held in school district number 3, in the town of Center, in the county of Outagamie, on the seventeenth day of October, A. D. eighteen hundred and sixty-one, by which a tax of sixty dollars was voted upon the taxable property of the district, for the purpose of maintaining a school in said district for the year (*A. D.*) 1862, and Legalized.

Robert McNobb was appointed treasurer of said district, are hereby legalized and declared to be valid as though the notice had expressly stated the object of the meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1862.

CHAPTER 9.

AN ACT entitling John N. Ford to receive his earnings and act for himself as fully as though he were of lawful age.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Collection and receipt of earnings.

SECTION 1. John N. Ford, a minor son of Amos Ford, of the town of Black Earth, in the county of Dane, state of Wisconsin, shall, from and after the passage of this act, be entitled to receive his own earnings, and act for himself as fully in all respects as though he were twenty-one years of age; and the said Amos Ford shall not hereafter be entitled to receive or collect any of the earnings of the said John N. Ford, nor exercise any legal restraint over him whatever; and the said John N. Ford is hereby discharged from his minority, and from all legal obligations to his said father, as fully as he would be if he had obtained his majority.

Discharge from minority.

May receive, hold and convey property, &c.

SECTION 2. It shall be lawful for the said John N. Ford to take and receive the conveyance of personal and real property, and hold the title thereof in his own name, the same as though he were twenty-one years of age, and the said Amos Ford shall have no right, title or interest therein whatever; and all the property, moneys, effects and credits in the possession and under the control of the said John N. Ford, which he has acquired by his own labor heretofore, shall not be subject to be disposed of by the said Amos Ford, nor be liable to be taken for the debts of the said Amos Ford.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 11, 1862.

CHAPTER 10.

[*Published April* 15, 1862.]

AN ACT to amend an act entitled "an act to incorporate the Neenah and Manitowoc plankroad company," approved March 10th, 1848, and all acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Number of directors reduced.

SECTION 1. Section four of an act to incorporate the Neenah and Manitowoc plankroad company, approved March 10th, 1848, is hereby amended so as to reduce the number of directors of said company, from the number provided in said act, to three directors, who shall be elected as provided in said act; and a majority of said directors, so elected, shall form a quorum for the transaction of the business of said company.

Repeal.

SECTION 2. Anything in said act, or any act amendatory thereof, inconsistent with the provisions of the preceding section of this act, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1862.

CHAPTER 11.

[*Published April* 15, 1862.]

AN ACT to amend an act entitled "an act to incorporate the Galesville university."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Visitors.

SECTION 1. The Northwest Wisconsin annual conference of the Methodist Episcopal church, is hereby authorized and empowered to annually appoint four visitors, who shall be *ex officio* members of the board of trustees of the Galesville university, and shall severally hold their offices for the term of two years, and until the election or appointment of their successsors: *provided*, that the members of the said board of trus-

tees shall not exceed the number of fifteen at any one time.

Exemption.

SECTION 2. All libraries, apparatus, cabinets and furniture belonging to said university, shall not be liable to attachment, execution or sale on any final process issued from any court in this state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 11, 1862.

CHAPTER 12.

[*Published March* 3, 1862.]

AN ACT to authorize the Bank of Prairie du Chien to reduce its capital.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Bank of Prairie du Chien is hereby authorized to reduce its capital stock to the sum of thirty thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which said capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outsanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Provisos.

Certificate to be filed.

SECTION 2. The president and cashier of said bank named in section one of this act, shall, within thirty days after the passage of this act, file in the office of the register of deeds in the county of Crawford, that

being the county where said bank is located, a certificate, under oath, stating the sum to which the [its] capital stock is reduced.

SECTION 3. This act shall take effect from and after its passage.

Approved February 12, 1862.

CHAPTER 13.

[*Published March* 3, 1862.]

AN ACT to authorize the Shawanaw bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Shawanaw bank is hereby permitted to reduce its capital stock to a sum not less than thirty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; *and, provided*, said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller. Capital stock may be reduced. Provisos.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, within thirty days after the passage of this act, file in the office of register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force on and after its passage.

Approved February 11, 1862.

CHAPTER 14.

[*Published February* 24, 1862.]

AN ACT to reduce the capital stock of the State bank of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. "The State bank of Wisconsin," of the city of Milwaukee, is hereby permitted to reduce its capital stock to two hundred and fifty thousand dollars, the outstanding circulating notes of said bank being less than that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen of "an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852," entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, the said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to and including the day on which the certificate is filed with the register of deeds, as provided in section two of this act.

Proviso,

Certificate to be filed.

SECTION 2. The president and cashier of said bank shall, after the passage of this act, file in the office of the register of deeds of Milwaukee county, a certificate under oath, stating the sum to which the capital stock of said bank is reduced, and from and after the filing of such certificate, the capital stock of said bank shall be so reduced, and not before.

SECTION 3. This act shall take effect and be in force on and after its passage and publication.

Approved February 15, 1862.

CHAPTER 15.

[*Published March* 3, 1862.]

AN ACT to authorize the Lumberman's bank to reduce its capital stock and change its place of business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Lumberman's bank, at Viroqua, is hereby authorized to reduce its capital stock to the sum of thirty thousand dollars, the outstanding circulating notes of said bank being less than that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision 13 of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to and including the day on which this act shall take effect. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act shall, immediately after its passage, file in the office of the register of deeds in the county of Rock, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. The said bank is hereby authorized to removed its place of business from Viroqua, in the county of Bad Axe, [Ax,] to the city of Beloit, in the county of Rock, upon filing with the bank comptroller a certificate of the secretary of state that said bank has complied with the requirements of subdivision thirteen, mentioned in section one of this act, and setting forth in said certificate the place to which said bank is to be removed: *provided*, that the holder or holders of any outstanding circulating notes of said bank, may have such notes presented and the payment thereof demanded, and may cause such notes to be protested for non-payment, at Beloit, in the same manner and with like effect as if the same had been so presented, demanded and protested at Viroqua. May remove to Beloit. Notes may be protested at Beloit.

SECTION 4. It shall not be lawful for the bank comptroller to issue to the said bank any circulating notes, When comptroller to furnish circulating notes.

until its plates shall be so altered as to read "Lumberman's bank of Beloit," instead of "Lumberman's bank of Viroqua."

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 15, 1862.

CHAPTER 16.

[*Published March* 3, 1862.]

AN ACT to authorize the Batavian bank to reduce its capital.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Batavian bank is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the bank named in section one of this act, shall, immediately after its passage, file in the office of the register of deeds in the county where said bank is situated, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall be in force from and after its passage.

Approved February 15, 1862.

CHAPTER 17.

[*Published March* 3, 1862.]

AN ACT to authorize the Bank of Manitowoc to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Manitowoc, at Manitowoc, is hereby authorized to reduce its capital stock to the sum of twenty-five thousand dollars, the outstanding circulating notes of said bank being not greater than that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to and including the day on which this act shall take effect. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in the first section of this act, shall, immediately after its passage, file in the office of the register of deeds in the county of Manitowoc, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 15, 1862.

CHAPTER 18.

[*Published March* 3, 1862.]

AN ACT to authorize the Bank of Green Bay to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Green Bay is hereby (*and*) Capital stock may be reduced.

authorized to reduce its capital stock to the sum of thirty thousand (30,000) dollars, its outstanding circulating notes not being greater than that sum, and said bank having filed with the secretary of state a certificate, in compliance with subdivision number thirteen (13) of an act to amend chapter four hundred and seventy-nine (479) of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that the said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital stock up to and including the day on which this act shall take effect.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the bank named in section one (1) of this act, shall, immediately after its passage, file in the office of the register of deeds in the county where said bank is situated, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 15, 1862.

CHAPTER 19.

[*Published March* 3, 1862.]

AN ACT to authorize the St. Croix valley bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The St. Croix valley bank is hereby authorized to reduce its capital stock to a sum not less than twenty-five thousand dollars, upon filing a certificate with the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to

which such capital stock is reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required by this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which said certificate is filed with the bank comptroller. Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the country where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1862.

CHAPTER 20.

[*Published April* 15, 1862.]

AN ACT granting to Charles Clark the right to keep and maintain a ferry across Rock river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Charles Clark and his associates, assigns, heirs and personal representatives, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a rope ferry across Rock river, where the highway crosses said river at the village of Newville, in the town of Fulton, in Rock county. Exclusive right.

SECTION 2. Said Charles Clark and his associates, assigns, heirs and personal representatives aforesaid, shall at all times keep good boats, in good repair, sufficient for the accommodation of all persons wishing to cross at said ferry, and shall give prompt and ready attendance on passengers or teams, on all occasions in the day time. To keep good boats, &c.

SECTION 3. The proprietors of said ferry shall be Tariff.

entitled to receive, as rates of charges for crossing at said ferry, for every vehicle drawn by two horses, mules or oxen, twelve cents; for any vehicle or conveyance drawn by one horse or mule, ten cents; for a single horse and person, eight cents; for every foot passenger, three cents; for each drove of animals, ten cents, unless they exceed ten in number, and in such case, one cent each; children going to and from school, free.

To file bond.

SECTION 4. The said Charles Clark and his associates shall, within three months after the passage of this act, file or cause to be filed with the clerk of the board of supervisors of Rock county, a bond to the said board, with two or more good and sufficient sureties, to be approved by said board, in the penal sum of two hundred dollars, conditioned that he or they will fulfill all the duties that are imposed upon them or him by this act.

No other ferry within one mile.

SECTION 5. No other ferry shall be established or licensed on said river, within one mile of said ferry.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 20, 1862.

CHAPTER 21.

[*Published April* 15, 1862.]

AN ACT to authorize Carlile Doble to build and maintain a toll bridge across the Namekegan river, in the county of Burnett.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. Carlile Doble is hereby authorized and empowered to construct and maintain a bridge over and across the Namekogan river, a meandered river, in the county of Burnett, in this state, at or near the point where the Bayfield road, so called, crosses said river to St. Paul, in the state of Minnesota.

To be built within one year.

SECTION 2. The said Carlile Doble shall, within one year from and after the passage and publication of this act, build and complete a good and sufficient bridge to

accomodate [accommodate] the traveling public, over and across the said Namekogan river, at the point mentioned in section one of this act: *provided*, that said bridge shall be so constructed as not to obstruct, in any manner, the navigation of said river.

Fees—how to be fixed.

SECTION 3. The board of supervisors of the county of Burnett shall annually fix and regulate the tariff of prices which the said Carlile Doble shall be entitled to charge for the passage of any person, teams, wagons, horses, cattle, sheep, swine and mules over said bridge.

Bridge may be declared free.

SECTION 4. At any time after the expiration of two years from the completion of said bridge, the board of supervisors of the said county of Burnett shall, after having given the said Carlile Doble six months' previous notice, have the right to declare said bridge free to the public: *provided*, that said board of supervisors shall first pay to the said Carlile Doble the value of said bridge, which value shall be estimated and awarded by three disinterested freeholders and residents in the said county of Burnett.

Proviso.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved February 20, 1862.

CHAPTER 22.

[*Published March* 3, 1862.]

AN ACT to authorize the Sauk county bank to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Sauk county bank is hereby authorized to reduce its capital stock to the sum of forty thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state showing that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved

Certificate to be filed.

May 15th, 1858: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of filing the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of its capital up to and including the day on which this act shall take effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1862.

CHAPTER 23.

AN ACT to change the name of Andrew Anderson to Andrew A. Tid-e-mand.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. Andrew Anderson, residing on the S. E. ¼ of the S. E. ¼ of section 23, township 6 north, of range 6 east, in the town of Blue Mounds, county of Dane, state of Wisconsin, shall hereafter be known by the name of Andrew A. Tid-e-mand; and by that name may receive by gift, grant, devise or otherwise, any and all property, either real or personal, and own, hold, possess and enjoy the same as fully as he could so do if his name had originally been Andrew A. Tid-e-mand.

Property confirmed, &c.

SECTION 2. All property, both real and personal, now owned by, belonging to and held in the name of the said Andrew Anderson, shall be and is hereby confirmed to him, in and under the name of Andrew A. Tid-e-mand; and by the name of Andrew A. Tid-e-mand, and not otherwise, he may give, grant, sell, release, convey and devise any [or] all property he now has or may hereafter acquire; and such gift, grant, sale, release, conveyance and devise shall be as effective as though his name had originally been Andrew A. Tid-e-mand.

SECTION 3. This act shall take effect and be in force from and after the first day of May, 1862.

Presented to the governor February 19, 1862, and not returned within three days.

CHAPTER 24.

[*Published March* 1, 1862.]

AN ACT to reduce the capital stock of the Juneau bank.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Juneau bank, at Milwaukee, is hereby authorized to reduce its capital stock to the sum of two hundred thousand dollars, the outstanding circulating notes of said bank being not greater than that sum, and said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen (13) of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, that said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to and including the day on which this act shall take effect. Capital stock may be reduced. Proviso.

SECTION 2. The president and cashier of the bank named in section one of this act, shall, immediately after its passage, file in the office of the register of deeds in the county of Milwaukee, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced. Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1862.

CHAPTER 25.

[*Published March* 1, 1862.]

AN ACT to reduce the capital stock of the Bank of Milwaukie.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Bank of Milwaukie, of the city of Milwaukee, is hereby permitted to reduce its capital Capital stock may be reduced.

stock to one hundred and fifty thousand dollars, the outstanding circulating notes of said bank being less than that sum, and the said bank having filed a certificate with the secretary of state, in compliance with subdivision thirteen of "an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852," entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858: *provided*, the said bank shall be required to pay to the state treasurer all taxes due the state on the full amount of its capital up to and including the day on which the certificate is filed with the register of deeds, as provided in section two of this act.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the said bank shall, after the passage of this act, file in the office of the register of deeds of Milwaukee county, a certificate, under oath, stating the sum to which the capital stock of the said bank is reduced; and from and after the filing of such certificate, the capital stock of said bank shall be so reduced, and not before.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1862.

CHAPTER 26.

AN ACT relative to the burial ground of the village of Geneva.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of grounds.

SECTION 1. All that part of block six in the village of Geneva, in the county of Walworth, and state of Wisconsin, donated by the proprietors of said village to the same, for a public burial ground, is hereby transferred in trust to the Geneva cemetery association, to more fully carry out the objects of the original grant.

Authority to association.

SECTION 2. The said cemetery association are authorized and empowered to lay out that part of said block six, so granted as above specified, into alleys and burial lots, and to sell and convey such lots for the

burial of the dead, under and pursuant to the statute entitled "of cemetery associations and town cemeteries," and to apply the net proceeds of such sales to the fencing and improvement of said burial ground: *provided, however*, that said association shall set off and reserve from sale not less than one-fourth and not more than one-half of said burial ground, on which to bury, free of charge, strangers and the inhabitants of said village for whom no burial place shall be otherwise provided, and that portion of said burial ground so set off and reserved, shall be forever free, and no part thereof subject to sale. Proviso.

Approved March 1, 1862.

CHAPTER 27.

[*Published April* 15, 1862.]

AN ACT to authorize U. F. Hinds and H. H. Drinker to erect and maintain a boom on the Wisconsin river, in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That U. F. Hinds and H. H. Drinker, their associates, successors and assigns, are hereby authorized and empowered to erect and maintain such number of booms as may be necessary, with sufficient piers on either side and partly across the Wisconsin river, near the steam saw mill of said U. F. Hinds and H. H. Drinker, situated on the east bank of the Wisconsin river, in the county of Columbia. Said booms to be built on sections three (3) and four (4,) in township number thirteen (13,) north of range six (6) east, for the purpose of stopping and securing logs, spars, square timber and other lumber: *provided*, that the main channel of said river shall remain open and unobstructed for the passage of boats and rafts; and if any raft of lumber shall, by neglect or accident, be carried into said boom, said boom may be opened so as to take out said raft, if it can be done without injury to the owner or owners of the boom, or otherwise it shall be taken out at the space kept open for the passage of rafts. Authority. Location. Not to obstruct boats, &c.

Rate of boomage.

SECTION 2. Whenever any logs, spars, square timber or other lumber, in the log or tree, shall be secured and boomed, the said U. F. Hinds and H. H. Drinker, their associates, successors and assigns, shall be allowed therefor a toll or boomage of twenty-five cents per thousand feet, broad measure; and they shall have a lien on all logs or timber so boomed or secured for the payment of boomage.

Logs not claimed, to be sawed, &c.

SECTION 3. Whenever any logs shall be thus boomed and secured, and no person shall appear in behalf of the owner thereof, to take delivery of the same and to pay the boomage thereon, the said U. F. Hinds and H. H. Drinker, their associates, successors or assigns, shall cause said logs to be sawed into lumber and accurately measured, and after deducting their fees for boomage and the usual rates for sawing, the balance shall be kept by the said U. F. Hinds and H. H. Drinker, subject to the order or disposition of the owner, for one year; after which time, if neither the logs or [nor] lumber are demanded by the owner, they shall be forfeited to the owner [owners] of the boom. The said U. F. Hinds and H. H. Drinker, their associates, successors or assigns, shall cause to be entered in a book kept for that purpose, the different marks on the logs or timber thus boomed and secured, for which no owner shall appear; the number of the logs bearing any mark, and the amount of lumber cut from logs bearing such mark or marks; and shall at all times keep such books open for the inspection of all persons.

When forfeited.

Record of marks to be kept.

Logs carried in by accident.

SECTION 4. If any rafts of lumber shall, by neglect or accident, be carried into said boom, it shall not be lawful for the owner, or any person for him, to open said boom at any time for the passage of rafts or logs, without first giving notice to said U. F. Hinds and H. H. Drinker, or some one of them, or their agents.

Willful damage.

SECTION 5. Any person or persons who shall willfully [willfully] break, damage or destroy said boom or booms, shall be responsible to the proprietors thereof, in an action at law, for the amount of damage done in addition to the penalties already provided by law, (*and*) [to] be recovered before any court of competent jurisdiction.

SECTION 6. This act shall be in force from and after its passage.

Approved March 1, 1862.

CHAPTER 28.

[*Published March* 6, 1862.]

AN ACT in relation to a certain corporation election.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The regular annual meeting of the stockholders of the Milwaukee and Minnesota railroad company, for the election of directors of said company, shall be held on the last Wednesday of May, at 10 o'clock in the forenoon of that day, in each year, in the city and county of Milwaukee. Annual meeting of M. and M. R. Co.

SECTION 2. The secretary of said company shall give thirty days' notice of the place and time of said election, specifying some particular office, building or place in said city, by publication in at least two newspapers printed, one in said county of Milwaukee, and the other at Madison, in said state. Notice.

SECTION 3. The governor of this state shall annually appoint three inspectors for said election, who shall take an oath faithfully and impartially to discharge the duties devolved upon them by this act. Inspectors.

SECTION 4. The inspectors shall meet at the time and place appointed for said election, and proceed to receive such votes for directors of said company as may legally be offered and received under this act. To meet, &c.

SECTION 5. The actual owners or holders of stock in said company, shall be entitled to cast one vote for each share of stock actually owned or held, whether such stock shall stand in the name of such owner on the stock or other books of said company or not; and such actual owner may vote in person or by proxy or agent or attorney appointed for that purpose, in writing; and no person shall be allowed to vote upon stock held as collateral security to any debt due from said company or any officer thereof. One vote to each share. Proxy.

SECTION 6. The said inspectors shall keep an accurate list of the persons voting at said election, and voting shall be by ballot; and after four o'clock in the afternoon of the day on which any election shall be held for the election of directors, said inspectors, if all persons authorized and offering to vote have voted, shall proceed to count the votes cast in said election, and Poll list, canvassing votes, &c.

shall, in a certificate under their hands, certify what persons are elected directors; and shall deliver one such certificate to the secretary of said company, and shall, within ten days thereafter, file one such certificate in the office of the secretary of state.

Challenged votes

SECTION 7. If any vote offered at said election shall be challenged by any person claiming to be a voter, the inspectors shall examine the person offering to vote, under oath, which either one of said inspectors is hereby authorized to administer to the person whose vote is so challenged, as to his right to give said vote, and said inspectors may examine any other persons under oath, which oath either of them is hereby authorized to administer, and may take any other testimony offered by the challenger, and shall decide upon the same before closing the election, and shall decide whether such person so offering to vote, is authorized to give the same, and, if so, shall receive said vote. And any person who shall be guilty of false swearing upon such examination, is hereby declared guilty of perjury, and shall be liable to the penalties thereof.

Penalty.

Board of directors.

SECTION 8. The board of directors of said company shall consist of nine persons, authorized to vote at said election; and such nine persons receiving the highest number of votes at said election, shall be the board of directors of said company until another election shall be held, and their successors are elected.

Application.

SECTION 9. This act, so far as the same is applicable, shall apply to every election of directors of said company, whether called regularly under the provisions of this act, or ordered and hereafter held by any court or other competent authority; and all laws or parts of any law which conflict with the provisions of this act, are hereby repealed.

SECTION 10. This act shall be published immediately, and be in force from and after its passage and publication.

Approved March 6, 1862.

CHAPTER 29.

[*Published May* 5, 1862.]

AN ACT to repeal chapter 164 of the private and local laws of the year 1861, entitled "an act to provide for laying out a state road in the counties of Brown and Kewaunee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter one hundred and sixty-four of the private and local laws of the year 1861, is hereby repealed. Repeal.

Approved March 8, 1862.

CHAPTER 30.

[*Published April* 16, 1862.]

AN ACT to authorize B. F. Hutchinson, his heirs and assigns, to keep and maintain a ferry across the Wisconsin river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. B. F. Hutchinson and his associates and assigns, their heirs and personal representatives, shall have the exclusive right and privilege for ten years, of keeping and maintaining a ferry across the Wisconsin river, at or near the town or village of Wauzeka, in Crawford county, to the opposite side of said river, in Grant county, with the right and privilege of landing at any point upon sections eleven and eighteen, in township seven north, of range four west, on the west side of said river, in Crawford county, and upon sections nineteen and twenty, in township seven north, of range four west, on the east side of said river, in Grant county; and shall also have the right to cross the Kickapoo river, at or near its mouth, and to land upon either bank of said river; and no ferry shall be granted within two and a half miles, either above or below the usual crossing places of said ferry, so long as this act shall remain in force. Exclusive right, &c. Location. No other ferry within 2½ miles.

Tariff.

SECTION 2. The rates charged for crossing at the above ferry shall not exceed the following, viz.: For each vehicle drawn by one or two horses, or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for man and horse, twenty-five cents; for cattle or horses in droves, ten cents each; for hogs and sheep, three cents per head; foot passengers, ten cents each; all freight or merchandise, or other articles not with or in teams, at the rate of ten cents per barrel, and ten cents per hundred weight for all other articles.

To file bond, &c.

SECTION 3. The said B. F. Hutchinson and his associates shall, within six months after the passage of this act, file or cause to be filed with the clerks of the boards of supervisors of the counties of Crawford and Grant, a bond to the people of this state, in the penal sum of five hundred dollars, with sufficient sureties, to be approved by said clerks, conditioned that he or they will fulfill all the duties that are imposed upon him or them in the foregoing sections; and in case of his or their failure or neglect so to do, shall forfeit all the benefits that might have accrued to him or them by this act.

Injury through negligence.

SECTION 4. Any person who shall sustain any injury by the negligence or default of said B. F. Hutchinson or his associates, or of the ferryman in his or their employ, may have a remedy by action upon the bond required in this action, [act.]

SECTION 5. This act shall take effect from and after its passage.

Approved March 8, 1862.

CHAPTER 31.

[*Published April* 16, 1862.]

AN ACT to authorize H. J. Gleason and John D. Ferrill to keep and maintain a power ferry across the Wisconsin river, in Grant and Crawford counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right, &c.

SECTION 1. H. J. Gleason and John D. Ferrill, their heirs, executors, administrators and assigns, shall have

the right and privilege, for the period of ten years, of keeping and maintaining a power ferry across the Wisconsin river, on sections twenty-two and twenty-seven, in town eight north, of range three west, in Grant and Crawford counties. Location.

SECTION 2. The said ferry shall be subject to such regulations as other ferries are, or may by law be subject, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by one or two horses, or one yoke of oxen, fifty cents; for each additional horse or ox, ten cents; for man and horse, twenty-five cents; for cattle or horses in droves, eight cents each; for hogs and sheep, not exceeding three cents per head, and for foot passengers, ten cents each. Tariff.

SECTION 3. Chapter 245 of the private and local laws of 1855, is hereby repealed. Repeal.

SECTION 4. This act shall take [effect] and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 32.

AN ACT to amend an act entitled "an act to authorize Merrick Murphy and his associates to build a dam across Oconto river," approved February 28th, 1851.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter one hundred and twenty-nine of the session laws of 1851, is hereby amended so as to read as follows: "Said dam shall not exceed fourteen feet in hight above high water mark, and in some suitable place in said dam, the [there] shall be a good and sufficient slide that will admit the passage of all such rafts, crafts or boats as may navigate the said river." Hight of dam, slide, &c.

SECTION 2. This act shall take effect and be in force from an after its publication.

Approved March 8, 1862.

CHAPTER 33.

[*Published April* 16, 1862.]

AN ACT to amend chapter three hundred and seventy-two (372) of the private and local laws of 1856, entitled "an act to incorporate the Hermann mechanics' mutual insurance company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. Strike out of said act, wherever it occurs in the title and in section one, the word "mechanics'," and insert the word "farmers'."

Policies issued.

SECTION 2. All policies issued by said corporation under said chapter, shall be in all respects as valid as if this amendment had not been made.

SECTION 3. This act shall take effect from and after its passage.

Approved March 8, 1862.

CHAPTER 34.

[*Published April* 15, 1862.]

AN ACT to authorize the Chicago and Northwestern railway company to construct a new line of road commencing in the town of Neenah & county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Route.

SECTION 1. The Chicago and Northwestern railway company is hereby authorized to survey, locate, construct, complete & perpetually to have, use, maintain and operate, a new line of road, with side tracks, over the routes following: Beginning at some point on the line of said road in the town of Neenah, in the county Winnebago, and running thence on the east side of said road through the village [villages] of Neenah & Menasha, and across Doty's island; thence keeping west of the canal, to connect with the main line at such point as shall be most convenient; also, beginning at some point on the line of said road, in the county of Outagamie, and run-

ning thence on the east side of said road, via the town of Howard, to the Michigan state line. And there is hereby conferred upon the said Chicago and Northwestern railway company, all the rights, privileges, powers and authority contained in the charter of said railway company, or in the charter of the Chicago, St. Paul & Fond du Lac, & Wisconsin & Superior railroad companies, to which the said Chicago & Northwestern railway company is the successor. Rights, privileges, &c.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 35.

[*Published April* 16, 1862.]

AN AN to incorporate the Eau Clair river log driving company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The following named person, viz.: Joseph G. Throp, Simon Randall, O. H. Ingram, Samuel Horel, Charles W. Hutchinson, and all such persons as shall hereafter become associated with them by complying with the provisions of this act as hereinafter contained, and their successors and assigns, shall be, and are hereby constituted, a body corporate, by the name and style of the "Eau Claire log driving company," and by that name shall be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions and causes, contracting and being contracted with, may have a common seal which they may alter at pleasure, and by that name shall be capable of purchasing, holding and conveying any estate, real, personal or mixed, for the use of said incorporation. Corporators. Style and powers.

SECTION 2. The said "Eau Claire river log driving company" shall have power to borrow money, make and execute in the corporate name and capacity of said company, to any person or persons, and acknowledge Additional powers.

the same when it is required, in the form of law, deeds of conveyance, bonds, mortgages, notes and other papers of any kind or amount, as security for money borrowed, or for any debt due by said company to any such person or persons, to improve the navigation of the Eau Claire river and its tributaries, by removing obstructions, deepening the channel, closing up side chutes and side cuts leading into sloughs, making dams and erecting side booms, to drive logs, timber, lumber, cants and shingle bolts, and all other power requisite and necessary for the full and free exercise and enjoyment of all the powers and privileges granted to said company by this act.

Membership.

SECTION 3. Any person who is an owner of land or logs, or interested in lumbering on said river or its tributaries, may become a member of said company by leaving with the secretary thereof a written request to that effect, which shall be recorded by the secretary, in a book kept for that purpose, and also kept on file; and any person may in like manner withdraw from being a member of said company, by leaving with said secretary a written request, which shall also be put on record and file, but no person shall withdraw as aforesaid without first paying or securing the payment to said company of any debts or assessments due said company from him: *provided*, that every member of said company shall be individually liable for any debt or damage due from said company, if such debt or damage accrued during the time that he was a member of said company.

Liability.

Board of directors.

SECTION 4. The affairs of said company shall be managed and conducted by a board of five directors, a majority of whom shall constitute a quorum for the transaction of business, who shall be elected annually by ballot, after the present year, by the members of said company, at such time and place and under such regulations as shall be prescribed by the by-laws or adopted by resolution of the board of directors; and it shall be the duty of the directors to notify the members of said company of the time and place of holding the annual meeting for such purpose, by publishing a notice thereof in some newspaper published in the county of Eau Claire, thirty days previous [previously] to such election, once a week; and no person shall be elected a director who is not at the time a member of said company.

Annual meetings.

SECTION 5. The five corporators named in the first section of this act, viz.: Joseph G. Thorp, Simon Randall, O. H. Ingram, Samuel Horel and Charles W. Hutchinson, are hereby declared the first board of directors, whose term of office shall continue one year from the passage of this act, and until their successors shall be elected as aforesaid; and if for any cause an election shall not be held at the regular time prescribed as aforesaid, the same may be held at any other time upon thirty days' notice being given as aforesaid, and this charter shall not be impaired by reason of any irregularity, or want of such election; and in case of a vacancy happening in the board of directors by death, resignation or removal, such vacancy shall be filled by the majority of the remaining directors of the board.

First board of directors.

Failure to hold election, &c.

Vacancy.

SECTION 6. The first board of directors at their organization, and their successors in office, shall elect one of their number as president, whose duty it shall be to preside at the meetings of the board, and in case of his absence, the said board may elect a president *pro tem.* The president shall, in addition, perform such other duties and acts as may be prescribed by the by-laws, or required by the board of directors. The board of directors shall also appoint a secretary and treasurer, and may appoint such other officers, agents and laborers, as they may deem necessary for conducting the business and doing the work, prescribe their duties, and fix their compensation, and they may remove the same at pleasure. Should they think necessary, they may require bonds or sureties from any such officers or agents. They may make and adopt all by-laws deemed best and necessary, and repeal any of such by-laws, audit accounts, control the funds, and direct all the business of the company. The secretary shall keep a record of all proceedings of the meetings of said company and of the board of directors, which shall be open to all members of the company.

Powers of board—president, secretary, treasurer, &c.

SECTION 7. It shall be the duty of the directors, officers and agents of said company, to keep a just and accurate account of all the expenses of said company from time to time, and the same shall be justly and equitably proportioned among the owners of such logs, timber, cants and shingle bolts as are driven down said river by said company, according to the distance driven down said river and its tributaries, the prices to be

Expenses of company to be proportioned among owners of logs, &c.

graduated, by the directors on each branch of the said Eau Claire river, both as regards distance and the expense of driving on each, which several amounts shall be paid or satisfactorily secured to said company within thirty days after such logs, timber, cants and shingle bolts shall reach the place designated by such owners; and the said company shall have a lien upon the said logs, timber, cants and shingle bolts for their proportion of the expense as aforesaid; and in case of failure of any person to pay or satisfy their (*their*) [his] proportion as aforesaid within the said thirty days, the said company may proceed at any time thereafter, and sell at auction a sufficient amount of such logs, timber, cants and shingle bolts, of either kind, as will be sufficient to pay the proportion of the driving expenses due from such delinquent owner.

Lien.

Rights of company.

SECTION 8. The said company shall have the right to drive down said river and its branches, all logs, timber, cants or shingle bolts belonging to said company, or to either or any of the members of said company, that now are or hereafter may be placed in said river, from its upper sources to the several places on said river which may be designated by the said owners of such logs, timber, cants and shingle bolts.

Constructive consent that logs, &c., be driven.

SECTION 9. All persons hereafter placing or suffering their logs, timber, lumber, cants and shingle bolts in said river to remain there, above the upper dam of Chapman and Thorp, or the upper boom of said Chapman and Thorp across said river, in section 13 and 14, township 27 north, of range 9 west, in such manner as to mix with the logs, timber, cants and shingle bolts belonging to said company or the members thereof, in any general drive of their said logs, timber, cants and shingle bolts down said river or its tributaries, shall be deemed to have consented that their said logs, lumber, timber, cants and shingle bolts may be driven down said river by said company, and shall be liable to pay said company the same proportionate prices for driving the same as is paid by the members of said company; and the said company shall have a lien upon all logs, timber, lumber, cants and shingle bolts driven down by them for such costs and expenses of driving the same, and may collect such charges in the manner specified and granted in the seventh section of this act.

SECTION 10. This act shall not be construed so as to exclude other persons from running or driving their own logs, lumber, timber, cants and shingle bolts down said river free of charge or toll from said company: *provided*, such person or persons keep their said logs, lumber, timber, cants and shingle bolts from mixing in the general drive with those belonging to said company, or to the individual members thereof. Other persons may drive their own logs, &c.

SECTION 11. All booms, dams and other improvements made by said company in said river, shall be so constructed as not to obstruct the main channel, and shall leave a space at least forty feet wide for the free passage of rafts, logs, timber, cants and shingle bolts; and said company shall be liable for all damages sustained by any person or persons for doing what is forbidden in this section. Construction of booms, &c.

SECTION 12. All resolutions and by-laws adopted by the directors of said company, shall be binding on the members thereof, but none of such resolutions and by-laws shall conflict with the constitution and laws of this state. Resolutions of board binding.

SECTION 13. This act shall take effect from and after its passage.

STATE OF WISCONSIN,
IN ASSEMBLY, March 11th, 1862.

I certify that the foregoing act was on yesterday returned by the governor to the assembly, (in which it originated,) with his objections, and that on this day, after said objections had been entered at large upon the journal, and reconsidered, the vote being taken by yeas and nays, two-thirds of the members present agreed to pass the same, as follows: yeas, fifty-eight; nays, seventeen. Passed over governor's veto.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 12, 1862.

I certify that the foregoing act was on this day reconsidered in the senate, and approved, the vote being by ayes and nays, as follows: ayes, twenty-six; nays, four.

J. H. WARREN,
Chief clerk senate.

CHAPTER 36.

AN ACT to incorporate the Manitowoc singing association, called "Freier Sangerbund."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. William Rahr, A. M. Richter, August Richter, Jacob Roemer, Jacob Suept, August Berner, Otto Tromel, Gottlieb Schulz, Paul Seubner, Henry Baetz, Herman Loh, Jacob Scherpus, Fred. Suger, M. Vollendorf, Wm. Bach, and their associates, who have united themselves into an association for the purpose of encouraging learning and improving themselves in the art of singing, and all persons who shall hereafter be associated with them as members of said society, are hereby created a body politic and corporate, located in the village of Manitowoc, and county of Manitowoc, and known by the name "Freier Sangerbund."

Powers.

SECTION 2. The said corporation shall have power to contract and to be contracted with, to sue and to be sued, to plead and to be impleaded, to answer and to be answered unto, to defend and to be defended, in all courts of law in this state, and shall have perpetual succession, and be vested with all the powers and privileges necessary to carry out and fulfill the object of their association.

Ibid.

SECTION 3. Said association may keep a common seal, and shall have power and authority to acquire, purchase, recover, possess, be seized with and enjoy property, real and personal, not exceeding in value the sum of ten thousand dollars; and the association may alter said common seal, and sell, rent, demise, convey or otherwise dispose of their real and personal estate at pleasure; also, to effect loans and borrow money for the use of the corporation, and to execute, sign, seal and deliver, through their proper officers, deeds, mortgages, notes or other instruments in writing, as the case may require.

Ibid.

SECTION 4. The said corporation shall have further power to establish for its government, a constitution and by-laws, not inconsistent with the constitution or laws of this state, and make such rules and regulations as may be deemed necessary to carry into effect the object of their association.

SECTION 5. The members of said association shall have power to assemble and meet at such times and places as may be agreed upon; and they shall elect any number of discreet persons of their association, not less than three nor more than seven in number, as trustees, to take charge of the real and personal property belonging thereto, and to transact all business relative to the investment and disposal thereof, and to elect such other officers, or perform such other business, as may be designated by the constitution and by-laws of the association. Trustees, &c.

SECTION 6. It shall be lawful for said association to elect and appoint such other officers as the condition and circumstances of the corporation may require, to prescribe their powers and duties, and require bond and security for the faithful performance thereof, in such penal sum and with such securities as they may choose, and also prescribe the term of their office: *provided, however*, that the trustees shall hold their office in conformity with the law, for at least one year, and until others are elected. Other officers.

SECTION 7. The property, real and personal, of said corporation, shall be solely devoted to the purposes and objects of said association; and all real and personal estate which has been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said association, or to any person or persons in trust for said association, shall descend, with all improvements and appurtenances, in perpetual succession, to and (*to*) be held by the trustees, in trust for said association. Descent of property, &c.

SECTION 8. This act shall take effect from and after its passage.

STATE OF WISCONSIN,
IN ASSEMBLY, March 11th, 1862.

I certify that the foregoing act was on yesterday returned by the governor to the assembly, (in which it originated,) with his objections, and that on this day, after said objections had been entered at large upon the journal, and reconsidered, the vote being taken by yeas and nays, two-thirds of the members present agreed to pass the same, as follows: yeas, sixty-two; nays, nineteen. Passed over governor's veto.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 12th, 1862.

I certify that the foregoing act was on this day reconsidered in the senate, and approved, the vote being taken by ayes and nays, as follows: ayes, twenty-one; nays, eight.

J. H. WARREN,
Chief clerk of the senate.

CHAPTER 37.

[*Published April* 15, 1862.]

AN ACT to amend an act entitled "an act to authorize Polly N. Gordon to keep and maintain a ferry across Black river," approved March 12th, 1859.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

No other ferry to be established within two miles

SECTION 1. Section 2 of said act is hereby amended by adding thereto, after the word "section," [in the last line thereof,] the words "nor within two miles of the point where said ferry shall be established."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 38.

AN ACT to allow the Hartford cemetery association to reorganize.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of meeting for election of trustees.

SECTION 1. It shall be lawful for Russel [Russell] S. Kneeland, Christopher Truax, Suzerne [Luzerne] Frost, O. C. Bissell, A. M. Thomas and Wm. Bigsby, or a majority of them, to cause a public notice to be printed in the "Home League," a weekly newspaper published

at Hartford, Washington county, Wisconsin, for three successive weeks, giving, in said notice, information of the time when and the place where a public meeting will be held by the owners of lots in the grounds of the late Hartford cemetery association, for the purpose of reorganizing the same. Such meeting, when so convened, shall have power to elect, by ballot, six trustees, who shall hold their term of office [in accordance with,] and be governed by, the rules and regulations that governed the former trustees of the said association.

Powers of trustees.

SEC. 2. It shall be competent for the said trustees, when elected in accordance with section first [one] of this act, to give deeds of the lots in the grounds of said association, and make all needful and necessary regulations for the government of the same, and do all acts and perform all duties that may properly be done or performed by the trustees of similar associations organized under the laws of this state.

Deeds not void, &c.

SECTION 3. Any deed or certificate conveying any lot in the grounds of said Hartford cemetery association, and bearing the signature of any former president of said association, shall not be deemed void by reason of any irregularities of the officers or trustees of the association aforesaid, but all such instruments of conveyance are made legal and binding by this act.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 39.

AN ACT to confirm the election of trustees of the Willow River cemetery association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election of trustees confirmed.

SECTION 1. The election of Simon Hunt, Jeremiah M. Whaley and Cyrus L. Hall, on the second day of September, 1861, as trustees of the Willow River cemetery association, is hereby confirmed; and the said trustees are hereby authorized to take, hold, manage and dispose of the property of said association, and

Powers of trustees.

do any act as such trustees, with the same force and effect as if the time and manner of such election had been in all respects conformable to the statute in such case made and provided.

SEC. 2. This act shall take effect from and after its passage.

Approved March 15, 1862.

CHAPTER 40.

[*Published May* 5, 1862.]

AN ACT to provide for the laying out of a state road from Clintonville, in Waupaca [Waupacca] county, in a northerly direction, to intersect the Shawanaw and Lake Superior mail route, at or near Keshena, Shawanaw county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Uriah Clinton, E. F. Sawyer and William D. Peterson are hereby appointed commissioners to lay out and establish a state road from Clintonville, in Waupaca [Waupacca] county, in a northerly direction, to intersect the Shawanaw & Lake Superior mail route, at or near Keshena, Shawanaw county.

Their compensation.

SECTION 2. The said commissioners shall receive such compensation for the time & services actually spent in laying out said road as may be allowed by the county board [boards] of supervisors of the counties through which said road shall be laid, and no part of the expense thereof shall be paid by the state.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1862.

CHAPTER 41.

[*Published May* 5, 1862.]

AN ACT to provide for laying out a state road from the village of Pheasant Branch, in Dane county, to the village of Lodi, in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. J. P. Eaton, W. N. Baker, A. C. King, S. P. Kingsley and E. Whittlesey are hereby appointed commissioners to lay out and establish a state road on the most practicable route, from the village of Pheasant Branch, in Dane county, to the village of Lodi, in Columbia county. A majority of said commissioners may at all times act. Commissioners.

SECTION 2. The said commissioners shall receive for laying out said road, such compensation for their services from the counties through which said road shall pass, as the supervisors of such counties shall deem just and reasonable; but no money shall be paid out of the state treasury therefor. Their compensation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1862.

CHAPTER 42.

[*Published April* 15, 1862.]

AN ACT to amend section ten, chapter thirty-two, private and local laws of 1859, entitled "an act to incorporate the Superior and State Line railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of chapter thirty-two of the private and local laws of 1859, entitled "an act to incorporate the Superior and State Line railroad company," is hereby amended by striking out the word "six" in the third line of said section, and inserting in the place thereof the word "nine." Extension of time for completion of road.

SECTION 2. This act shall take effect from and after its passage.

Approved March 15, 1862.

CHAPTER 43.

[*Published April* 15, 1862.]

AN ACT to amend an act entitled "an act to incorporate the Wolf river boom company," and to repeal chapter [chapters] 101 and 540 of the private and local laws of the year 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of company.

SECTION 1. Said company are authorized and empowered to construct, maintain and keep a boom or booms for the purpose of booming and rafting logs, at some point or points on the Wolf river, between Lake Poygan and the point known as Springer's Point, in the village of Fremont, as they shall select; and said company shall have the exclusive privilege of booming the Wolf river, its tributaries and bayous, between Lake Poygan and Springer's Point, in the village of Fremont, for the purpose herein specified: *provided, however*, said booms shall in no wise interfere with or obstrust the free navigation of said river. Said company shall also have the right and privilege to build, construct and maintain side booms, and also to boom any bayous anywhere or at any point on the Wolf river, between the point known as Springer's Point, in the village of Fremont, and section seventeen, town twenty-two, range fifteen east: *provided*, that such booms do in no wise interfere with the free navigation of said river or its tributaries.

Where logs, &c., shall be driven and sacked.

SECTION 2. Owners of logs or timber shall drive and sack their logs into said company's booms below the point known as Springer's Point, in the village of Fremont: *provided, however*, when said company's booms below said point are full of logs, and it becomes necessary for the owners of logs and timber to drive the same into any side boom or bayou which has been boomed by said company for such purpose, said logs

and timber shall then be driven into the booms of said company below Springer's Point, by or at the expense of said company, and shall be entirely under the control of said company.

Owners to furnish rafting material.

SECTION 3. Owners of all logs and timbers shall furnish and deliver at the boom of said company, sufficient rafting material and boom timber to raft all logs or timber which they may drive into said company's booms; and a receipt for the same from the superintendent or clerk of said company, shall be sufficient evidence to make said company liable for the safe delivery of the same material and boom timber, or pay the value of the same to the owner thereof: *provided*, when rafting material and boom timber are not furnished by the owner or owners of logs, said company shall furnish the necessary material and timber, and charge a reasonable compensation therefor, to be paid by the owner or owners of the logs rafted.

Where logs, &c., to be delivered.

SECTION 4. Said boom company are hereby required to raft and deliver to the owners thereof, in proper order and condition, in the Wolf river, below the island known as Big Boom island, each drive or lot of logs driven into their boom or booms, in the order said drive or lot of logs shall be received in said company's booms; and in no case shall said company raft any lot or drive of logs, so long as there remains in said company's booms any drive of logs previously received therein. Said boom company may charge for all logs and timber rafted by said company, thirty cents per thousand feet, board measure, for all logs of an average scale of four and one half logs to the thousand feet, and thirty-five cents per thousand feet for all logs of an average scale of more than four and one half logs to the thousand feet; and all logs of less length than twenty-four feet, shall be counted one log, and all logs of twenty-four feet and up to thirty-two feet, shall be counted as two logs, and all logs of a greater length than thirty-two feet, shall be counted in logs of sixteen feet, and in no case shall fractional feet be taken into account in getting at the average scale of logs. Said company shall also charge one-half of one cent per foot for each lineal foot of square timber rafted. All logs may be surveyed by a surveyor appointed by said company, for the purpose of determining the amount of

Tariff.

Survey of logs, &c.

lumber rafted for any log owner; but in case any log owner shall feel aggrieved by such survey, he shall have the right to a resurvey, by some surveyor agreed upon by himself and said company. In case rafts of logs, timber or lumber may, by accident, float into said company's booms, the owner thereof shall only be charged such a reasonable compensation as will indemnify said company for the safe delivery of the same to the owner thereof.

To deliver logs when charges are paid.

SECTION 5. Said company shall deliver all logs, timber or lumber to the owner or owners, as fast as rafted at or below their boom, whenever the owner shall offer to pay the boom charges, as specified in section four of this act; but in no case shall the owner or owners of logs be obliged to pay the boom charges, as specified in section four of this act, unless of his or their own choice, they wish to remove their logs or timber. Boom charges shall be deemed due upon notice being served by said company or their legal agent, upon parties owning logs or timber, that all the logs and timber in any one drive belonging to the party upon whom said notice is served, are rafted and ready for delivery; and if boom charges are not paid within ten days after notice shall have been served, said company shall cause notices to be posted at Fond du Lac, Oshkosh and Winneconne, and at their boom, that enough of said logs will be sold, (and said company shall have the right to sell,) at public auction, to pay all boom charges and costs of sale, said sale to take place within ten days after posting of notices. The sale of logs for unpaid charges, may be adjourned by posting notices stating the day of adjournment.

If charges are not paid, logs may be sold.

Liability for loss, &c.

SECTION 6. Said company shall be liable for all loss or damage that any log owner may sustain by or in consequence of their neglect to keep their booms in proper repair, and shall also be responsible for the safe delivery of all logs or lumber that may enter their booms; and shall raft in good order and condition, and be ready to deliver to the owners thereof, all logs and timber by the first day of September, that may be drove into their booms on or before the first day of June; and shall be ready to deliver by the first day of October, all logs that may be drove into their booms between the first day of June and the fourth day of July; and shall be ready to deliver all logs that may be drove into their

When logs deliverable.

booms after the fourth day of July, before the close of navigation of the same year.

When liability for safe delivery to cease.

SECTION 7. In case logs are not removed and charges are not paid, as specified in sections four and five in this act, the boom company shall in no wise be relieved from their responsibility for the safe delivery of the same, until twenty days after notice has been given to each owner that his logs are rafted and boom charges due; but the company shall have the right to remove all such logs to some place of safety, at the expense of the owner, and the company shall be paid by the owners of logs for all expenses that may be necessary in taking care of the logs, after boom charges become due.

Registry of marks.

SECTION 8. Said boom company shall keep a book for the registry of all marks of logs, at their office in Oshkosh, and at their office at their boom, in which book all owners of logs on the Wolf river and its tributaries shall cause their respective marks to be registered, and all logs that may run or float into said company's boom bearing such marks, shall be delivered to the possession of persons indicated by such registry: *provided*, if, by accident or otherwise, two different owners shall have the same mark, the person whose mark shall have been registered, shall be entitled to his requisite number of logs. All marks so registered shall be upon the side of the log. All logs and timber upon which there are no marks, that may run into said boom, and all logs or timber the marks upon which are not registered as required in this section of this act, shall be (unless the lawful owner or owners of such logs as are marked shall appear and claim the same, and pay all charges upon the same, within ten days from the time the charges fall due,) declared, and are hereby declared, to be the property of such log owners as shall have logs rafted by the boom company, and shall be sold at public action, by said company, after giving notice of such sale in the same way and manner as is required in the fifth section of this act, in relation to logs sold for boom charges; and the proceeds of such sales, after paying the boom charges and all other charges upon such logs and timber, shall be applied to the payment of boom charges of all log owners who may have logs run through said company's booms and rafted

Logs not marked

by said company, in proportion to their several interests in logs so rafted.

Construction.

SECTION 9. Nothing in the first section of this act shall be so construed or understood as to prevent any log owner from rafting his own logs or timber on the Wolf river, above the point known as Springer's Point, in the village of Fremont: *provided*, such log owners do not occupy and use for such purposes, booms belonging to said boom company.

Account of business to be kept.

SECTION 10. Said company shall keep a book at their office in the city of Oshkosh, in which they shall keep a true record of the amount of logs and timber rafted by said company, and the marks of the same, and of the amount received for rafting, and the amount paid out by said company, and for what purposes paid out; also, the amount of lumber or logs sold by said company by virtue of the provisions of this act, and the amount received for and by such sales, which book shall be open for inspection by any person or persons interested, at all times when their office is open for other business.

Liability of company.

SECTION 11. Said boom company shall be liable for all damage or loss which any person or persons may sustain by or in consequence of the failure of said company to build and keep in proper repair, good and sufficient booms for the purpose of booming all logs and timber that may be driven into the limits as specified in section one of this act; also, for damages which any person may sustain by the failure of said company to comply with all the requirements of this act; and in case said company shall fail to pay all such damages to the person or persons so suffering or sustaining damage, and no property can be found belonging to said company liable to be seized and sold on execution to satisfy any judgment obtained for such damage, then said company shall forfeit all rights and privileges which they have to boom the Wolf river under and by virtue of this act: *provided, however*, if the booms of said company should break by accident or cause beyond the control of said company, and it becomes necessary for said company to raft logs in the bay known as the Cut-off bay, then, in such case, said company shall not be liable for damages, if they fail to raft such logs in the order as specified in section four of this act.

Logs run into boom in consequence of obstruction.

SECTION 12. Whenever any rafts or cribs of logs or lumber shall run into said company's boom or booms by,

or in consequence of, the main channel of the Wolf river being obstructed by any rafts of logs or timber being in the care of or belonging to said company, said company shall deliver the same to the owners thereof free of charge.

Removal of obstructions.

SECTION 13. Whenever the main channel of the Wolf river shall become obstructed by the accumulation of rafts of logs which said boom company have rafted for any log owner or owners, the said company may remove the same from the main channel of the river, and charge to the owner thereof a reasonable compensation therefor.

Commissioners to adjudge damages.

SECTION 14. The judge of the tenth circuit court of the state of Wisconsin, shall, upon application of said company, or any person owning land within the limits of this act, appoint three commissioners to adjudge any damage such person may sustain by the construction of any boom or booms, or by the occupation by said company of any land or lands for the purpose of building booms or other works necessary for the purpose of booming and rafting logs. The adjudgment of said commissioners shall be final, unless the award shall exceed fifty dollars, in which case either party may appeal to the circuit court.

Repeal.

SECTION 15. Sections two, three, four, five, six, seven and nine of chapter one hundred and one of the private and local laws of the year 1857, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 16. This act shall take effect and be in force from and after its passage.

Approved March 20, 1862.

CHAPTER 44.

[*Published May* 5, 1862.]

AN ACT to authorize the laying out of a state road from the village of Hillsborough, in the county of Bad Ax, to the village of New Lisbon, in the county of Juneau, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Henry E. Macumber, Reuben Fowler and Alexander Woods are hereby constituted and appointed commisssioners to survey, lay out and establish a state road from the village of Hillsborough, in the county of Bad Ax, in this state, to the village of New Lisbon, in the county of Juneau, by the way of Fowler's prairie, on the most practicable and feasible route.

Compensation.

SECTION 2. The said commissioners, or a majority of them, shall meet at such place as a majority of them may designate, and proceed to lay out, view and establish said road; and they shall receive therefor, upon the completion of their said labors, such reasonable compensation as the county boards of supervisors in the said counties in which said state road is laid out and established, may deem just: *provided*, that no part of the expense of laying out and establishing said state road shall be paid by the state.

Report of survey to be filed.

SECTION 3. Said commissioners shall, as soon as practicable after the passage of this act, proceed to survey, lay out and establish said state road; and shall, immediately after the laying out of said road, cause a report of their said survey to be made and filed with the clerk of the board of supervisors of each of the said counties of Bad Ax and Juneau.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1862.

CHAPTER 45.

[*Published April* 15, 1862.]

AN ACT to authorize Ira Mead to keep and maintain a boom on Chippewa river, in the county of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Ira Mead, his successors and assigns, are hereby authorized and empowered to keep and maintain a boom across the slough running between fractional lots No. one (1) and two (2,) in section No. five (5,) in township No. twenty-seven (27) north, of range No. nine (9) west, in the county of Eau Claire, and the island or islands lying adjacent in the Chippewa river, and to use all of the aforesaid slough as a place for holding logs in; and also to keep and maintain such other side shore and glancing booms as may be necessary or convenient to stop, hold or turn logs into the aforesaid slough. Authority.

SECTION 2. Said boom or booms shall be so constructed as not to hinder the passage of boats, lumber or logs at any time, in the main channel of the Chippewa river. Not to obstruct passage of boats.

SECTION 3. Any person or persons who shall willfully break or injure any of the aforesaid booms or their appurtenances, shall be liable to the owners thereof, in a civil action, for the amount of damage done, to be recovered in any court of competent jurisdiction, in addition to the penalty already provided by law. Penalty for willful injury.

SECTION 4. This act shall be in force from and after its passage.

Approved March 20, 1862.

CHAPTER 46.

[*Published April* 15, 1862.]

AN ACT to amend chapter 355 of the private and local laws of 1855, entitled "an act to authorize S. Dean and others, trustees of Sauk City, to construct a bridge across the Wisconsin river, at Sauk City."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for fast driving upon bridge.

SECTION 1. Chapter three hundred and fifty-five of the private and local laws of 1855, entitled "an act to authorize S. Dean and others, trustees of Sauk City, to construct a bridge across the Wisconsin river, at Sauk City," is hereby amended by adding thereto the following, to be known as section seven, to wit: "Whoever shall ride or drive faster than a walk upon said bridge, erected and kept by the said corporation of Sauk City, or their assigns, in accordance with this charter, shall forfeit to the said corporation, their assigns, or whoever shall own and be in possession of said bridge at the time, for every such offense, the sum of five dollars, to be recovered before any justice of the peace of the county in which said bridge or any part thereof, shall be situated."

SECTION 2. This act shall be immediately published, and be in force from and after its passage and publication.

Approved March 20, 1862.

CHAPTER 47.

AN ACT to authorize and empower Louis Van Dycke to build and maintain a dock and pier extending into Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. Louis Van Dycke, his associates, successors, executors, heirs or assigns, are hereby authorized and empowered to build and maintain a dock and pier extending one thousand feet into Green Bay, from

the land now owned and occupied by the said Lous [Louis] Van Dycke in the north-west quarter of section eighteen, in township twenty-five north, of range twenty-three east, in the town of Red river, in the county of Kewaunee, near a point where the range line strikes the shore of Green Bay.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 48.

AN ACT to authorize the Fort Howard cemetery association to hold 160 acres of land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Fort Howard cemetery association, of the borough of Fort Howard, in the county of Brown, and their successors in office, are hereby authorized and allowed, in their corporate name and capacity, to take by gift or purchase, and hold one hundred and sixty acres of land, and to use and convey the same, or any part or parts thereof, for cemetery or burial purposes, in such manner and under such rules and regulations as the constitution and by-laws of said association shall provide. Authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 49.

[*Published April* 15, 1862.]

AN ACT to amend chapter 90 of the private and local laws of 1860, entitled "an act to incorporate the German mutual insurance company of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When directors to be chosen.

SECTION 1. Section three of the act to which this act act is amendatory, is hereby amended in the twentieth line thereof, by striking out the word "May," and inserting instead thereof [the word] "January."

SECTION 2. This act shall take effect from and after the first Monday of May, A. D. 1862.

Approved March 21, 1862.

CHAPTER 50.

AN ACT to legalize the survey of the Union prairie cemetery ground.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Survey legalized.

SECTION 1. The survey of the Union prairie cemetery grounds, in the town of Metomen, in the county of Fond du Lac, and state of Wisconsin, made by Warren Reed, a surveyor of said town of Metomen, is hereby declared to be as valid and binding, and of the same force and effect, as if said surveyor had been sworn as provided by law, before the making of said survey.

SECTION 2. This act shall be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 51.

AN ACT to amend chapter 38 of the private and local laws of 1861, entitled "an act to provide for the distribution of the funds belonging to the fire department of the city of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter thirty-eight of the private and local laws of 1861, entitled "an act to provide for the distribution of the funds belonging to the fire department of the city of Milwaukee," is hereby amended by striking out the proviso embraced in the last five lines of said section, and inserting in lieu thereof as follows, viz: "The said commissioners may dispose of any of the notes, bonds, mortgages and other securities, for the payment of money or other property of the said fire department, upon such terms and at such prices as they shall deem for the best interests of the said fire department and of the parties interested in the funds thereof, and at less than the face or nominal par value thereof: *provided, however*, that the trustees of the said fire department shall appoint a committee consisting of the president and two other members of the said board of trustees, who shall be consulted in relation to any proposed disposition of any of the securities or property of the said fire department, at less than the face or par value thereof; and the said commissioners are only authorized to dispose of such securities or any of them, at less than the face thereof, when such disposition shall be assented and agreed to by a majority of said commissioners, and also by a majority of the committee of the trustees of the said fire department so to be appointed; the assent of such committee to, or a majority of them, to be endorsed by a certificate in writing to that effect, to be endorsed on or attached to the conveyance or assignment of such security, and witnessed and acknowledged in the same manner as the assignment or conveyance thereof shall be witnessed and acknowledged."

Commissioners may dispose of securities.

Committee to be consulted.

Not to be sold below par value.

How assent of committee to be given.

SECTION 2. The said commissioners are hereby authorized and empowered, out of any funds now in, or which may hereafter come to their hands, belonging to the said fire department, to pay and discharge any account or liability against the said fire department, which

Discharge of liabilities.

may be duly audited by the board of trustees of the said fire department, as provided by law and by the rules and regulations of the board of trustees of the said fire department.

Approved March 21, 1862.

CHAPTER 52.

[*Published May* 3, 1862.]

AN ACT to authorize the Shawanaw bank to remove its place of business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May remove to Sheboygan.

SECTION 1. The Shawanaw bank, at Chilton, is hereby authorized and empowered to removed its place of business to the city of Sheboygan, in the county of Sheboygan, in the state of Wisconsin, upon filing with the bank comptroller a certificate from the secretary of state, stating that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858.

Certificate to be filed.

SECTION 2. Before the removal of said bank, as provided in the foregoing section of this act, a certified copy of the certificate recorded in the office of [the] register of deeds of Calumet county, in pursuance of section nineteen of "an act to authorize the business of banking in the state of Wisconsin," approved April 19th, 1852, shall be filed in the office of the register of deeds in the county to which said bank shall remove, as herein provided.

When notes to be issued to bank.

SECTION 3. Hereafter the bank comptroller shall not issue to said bank, after it shall file its certificate to remove its place of business, as herein provided and authorized, any circulating notes, unless the same shall distinctly mention Sheboygan as the place of their issue and redemption.

Notes may be protested at Sheboygan.

SECTION 4. The holder or holders of any outstand-

ing circulating notes of said bank, may have such notes presented for payment, and the payment thereof demanded, and may cause such notes to be protested for non-payment, at the place to which said bank shall remove, as herein authorized, in the same manner and with like effect as if the same had been presented, demanded and protested at the place where said note or notes are made payable.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 24, 1862.

CHAPTER 53.

AN ACT to authorize the board of trustees of the First Presbyterian church of Superior, (O. S.,) in Douglas [Douglass] county, to convey certain property in trust.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of trustees of the First Presbyterian church of Superior, (O. S.,) are hereby authorized and empowered to convey, by a good and sufficient deed of trust, for the use and benefit of said church, to J. M. Barnett, of Superior, all of the property of said church, situated on Sixth street, in said town of Superior, in the county of Douglas [Douglass.] Authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1862.

CHAPTER 54.

[*Published May* 5, 1862.]

AN ACT to lay out and establish a state road from Little Kaukauna lock and dam, on Fox river, in Brown county, running westerly into the town of Freedom, in Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Abijah W. Foster, Patrick H. O'Brien Commissioners.

and Jason Briggs are hereby appointed commissioners to lay out and establish a state road from Little Kaukauna lock and dam, on Fox river, in Brown county, running westerly on the most feasible route, into the town of Freedom, in Outagamie county, until it intersects the road in the said town of Freedom, leading from Appleton to the Oneida settlement.

Survey to be filed.

SECTION 2. After said commissioners shall have laid out said road, they shall make out two correct maps or drafts thereof, and file one of the same with each of the clerks of the board [boards] of supervisors of the counties of Brown and Outagamie.

Compensation.

SECTION 3. The said commissioners shall receive for laying out said road, such compensation for their services, from the counties through which said road shall pass, as the supervisors of such counties shall deem just and reasonable; but no money shall be paid out of the state treasury therefor.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 55.

AN ACT to authorize Milwaukee lodge No. 3, to receive a conveyance of certain real estate in Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to purchase.

SECTION 1. The Milwaukee lodge No. 3, of free and accepted masons, is hereby authorized and empowered to purchase of the Milwaukee masonic hall association, upon such terms and conditions as may be agreed upon, the following described real estate, viz.: Lots five and six, in block fifty-eight, and lots fourteen and fifteen, in block seventy-one, in the fourth ward of the city of Milwaukee, and state of Wisconsin, and receive a deed therefor in fee to said lodge and to its successors and assigns, containing such clauses and conditions, and prescribing and creating such trusts, as may be determined by said Milwaukee masonic hall association, and mentioned in said deed, and hold the same subject to

the conditions and trusts which may be prescribed and created in and by such deed; and for the purposes of receiving and holding the title to said property and of performing the conditions and trusts which may be prescribed and created in and by such deed, the master, wardens and members of said Milwaukee lodge, as now existing, and their successors, are hereby created and declared to be a body corporate and politic, under and by the name and style of "Milwaukee lodge No. 3, of ancient free and accepted masons," and by that name may have succession, may sue and be sued, plead and be impleaded, defend and be defended, make by-laws, rules and regulations for the management of its affairs and the government of its officers and agents, appoint such officers and agents as its business may require, and prescribe their duties and compensation, have a common seal and alter the same at pleasure, and perform all such acts as may be necessary to the proper execution of the conditions and trusts which shall be prescribed and created by the deed conveying said property to said lodge.

Authority to lease.

SECTION 2. The master and wardens or other officer or officers of said lodge, being thereto authorized by the by-laws or by resolution of said lodge, may grant and make leases, for a term of years, of any part of the property hereby authorized to be purchased, and of any buildings or apartments thereon, or sell and convey the same or any part thereof in fee, at such time, in such manner and to effect such purposes as may be prescribed by the deed of conveyance to said lodge; and it shall be the duty of said lodge to use and apply the money received for rents and for the sale of said property or any part thereof, for and to the purposes and objects, and for executing the trusts which may be prescribed and created in and by the said deed of conveyance to said lodge.

STATE OF WISCONSIN,
IN ASSEMBLY, March 9th, 1862.

Passed over governor's veto.

I hereby certify that on the eighteenth inst. the above act was returned by the governor, with objections, and the consideration thereof postponed until to-day; and that on this day, after being reconsidered, the members present agreed to pass the same by a two-thirds vote, taken by yeas and nays, as follows: yeas, sixty; nays, seventeen.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 26, 1862.

I hereby certify that the foregoing act was on this day reconsidered in the senate, and approved; that the vote, being taken by yeas and nays, [was] as follows: yeas, twenty-five; noes, three.

J. H. WARREN,
Chief clerk, senate.

CHAPTER 56.

[*Published April* 16, 1862.]

AN ACT to establish a highway in Waukesha county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Part of M., W. and M. plankroad declared public highway.

SECTION 1. The line of road of the "Madison, Watertown and Milwaukee plankroad company," including the roadbed and right of way between the village of Oconomowoc, in Waukesha county, and a point on said plankroad where the highway leading from the village of Waukesha to Milwaukee intersects the same, having been abandoned by said company, is hereby declared and established a public highway, and subject to the management and control of the towns in which the same lies, like other highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

STATE OF WISCONSIN,
IN ASSEMBLY, March 19th, 1862.

Passed over governor's veto.

I hereby certify that on the 15th inst. the above act was received from the governor, with objections, and postponed until to-day; and that on this day, after being reconsidered, the members present agreed to pass the same, by a two-thirds vote, taken by yeas and nays, as follows: yeas, sixty-five; nays, thirteen.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 26th, 1862.

I certify that the foregoing act was on this day reconsidered in the senate, and approved, the vote being taken by yeas and nays, as follows: yeas, nineteen; nays, eight.

J. H. WARREN,
Chief clerk, senate.

CHAPTER 57.

[*Published March* 31, 1862.]

AN ACT to authorize the Sun Prairie bank to change its place of business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Sun Prairie bank, located at Sun Prairie, Wisconsin, is hereby authorized to remove its place of business from Sun Prairie, in the county of Dane, to the city of Madison, in said county, upon filing with the bank comptroller a certificate of the secretary of state that said bank has complied with subdivision thirteen of an act to amend chapter 479 of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15, 1858, and setting forth in said certificate the place to which said bank is to be removed: *provided*, that the holder or holders of any outstanding circulating notes of said bank may have such notes presented, and the payment thereof demanded, and may cause such notes to be protested for non-payment at Madison, in the same manner and with like effect as if the same had been so presented, demanded and protested at Sun Prairie.

May remove to Madison.

Notes may be protested at Madison.

SECTION 2. It shall not be lawful for the bank comptroller to issue to the said bank any circulating notes until its plates shall be so altered as to read "Sun Prairie bank, Madison," instead of "Sun Prairie bank, Sun Prairie."

When notes be delivered.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 58.

[*Published April* 15, 1862.]

AN ACT to authorize Thomas B. Wilson to keep and maintain a ferry across the Mississippi river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right.

SECTION 1. Thomas B. Wilson, his heirs, executors, administrators and assigns, shall have the exclusive right and privilige [privilege] for the term of ten years, of keeping and maintaining a ferry across the Mississippi river, in sections number four and five, township number twenty-two north, of range number twelve west of the fourth principal meridian, in the county of Pepin, and state of Wisconsin.

Tariff.

SECTION 2. The ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietor thereof shall be entitled to receive for crossing any vehicle drawn by two horses, or one yoke of oxen, one dollar, and for each additional horse or ox, fifteen cents; for any vehicle drawn by a single horse, seventy-five cents; for every single horse and rider, or single ox, cow or mule, fifty cents, and for each additional horse, ox, cow or mule, ten cents; for each foot passenger, fifteen cents; for sheep and swine, in droves or ten or more, four cents each; for freight, lumber and merchandize [merchandise] not with team, per barrel, ten cents; per one hundred pounds freight, five cents; per one hundred feet of lumber, fifty cents.

No other ferry within two miles

SECTION 3. No ferry shall be licensed within two miles of the location of the ferry established by this act, for the term of ten years.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 59.

[*Published April* 15, 1862.]

AN ACT to revive and amend chapter 447 of the private and local laws of Wisconsin, of the year 1856, entitled "an act to incorporate the Lemonwier and Black River Falls railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter four hundred and forty-seven of the private and local laws of this state, of the year 1856, entitled "an act to incorporate the Lemonwier and Black River Falls railroad company," and approved March 31st, 1856, is hereby revived and declared to be of and in full force and effect. **Revived.**

SECTION 2. Section eighteen of the said act revived by section one of this act, is hereby amended by striking out the words "at the expiration of five years from the passage of this act," in said section eighteen, and by inserting in the place and in lieu thereof, the words "on the first day of January, one thousand eight hundred and sixty-seven." **Forfeiture of charter extended**

SECTION 3. Sections one and three of said act revived by section one of this act, are hereby amended by striking out the names of Charles Whipple, Robert E. Gillett, Chase A. Stevens, Jacob Spaulding, Cady Hollister, Moses M. Stong, William J. Gibson, Jackson Hadley, Wm. R. Sill, Joshua A. Stark, E. B. Pike, Samuel L. Rose, Edwin H. Goodrich, George Gale, James M. Garrett and Andrew Sheppard, wherever they occur in said sections one and three, and by inserting instead thereof, in each of said sections, the names of William T. Price, E. M. Williamson, John E. Stedman, Ira B. Allen, John Morrill, W. H. Littel, S. W. Bowman, Hugh Douglas, Hugh B. Mills, James O'Neill, George M. Arnold, G. W. King, W. B. Porter, F. O. Brainerd, Frederick Simpson and Julius Schnur. **First directors.**

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 60.

[*Published April* 16, 1862.]

AN ACT to incorporate the Wisconsin copper mining company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. That James F. Lyman, Frederick D. Hollis, Charles H. Ogden and William E. Parish are hereby constituted a body politic and corporate, by the name and style of the "Wisconsin copper mining company," for the purpose of exploring and mining for copper and other ores and minerals, and of working, smelting, manufacturing and vending the same, and to continue in existence to them and their successors forever, with power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws, not inconsistent with the laws of this state and of the laws of the United States, as it may deem useful and necessary for its government in its corporate name, to sue and to be sued, to plead and to be impleaded, to hold, by purchase or otherwise, and dispose of the same in any way, real estate, mining rights or personal property, which may be useful or necessary for carrying on its operations, or which it may become possessor of in any manner.

Style.

Powers.

Capital stock.

SEC. 2. The capital stock of said company shall be eight hundred thousand dollars, to be divided into shares of not less than twenty dollars, to be fixed by the board of directors. The stockholders shall have power to increase the capital stock, also, the number of shares, from time to time, when required to extend their mining operations, to any amount not exceeding twelve hundred thousand dollars. Nothing but money, real estate or mineral rights shall be regarded as a basis for capital stock; the stock to be subscribed and paid for as the board of directors may prescribe. The shares shall be considered personal property, and shall be transferred only on the books of the company, in person or by attorney.

Basis of stock.

First directors.

SEC. 3. The corporators named in the first section of this act, shall be directors for the first year, or until others are elected in their stead. The annual meeting of the company shall be held at such time and

Annual meeting.

place, within or without this state, as the board of directors may determine from year to year. At each annual meeting, a board of directors shall be chosen for the ensuing year, but in case of failure to elect a board of directors, the charter of this company shall not be forfeited thereby, but the existing board of directors shall continue in office until others are elected in their stead. The directors shall appoint one of their number president, and shall appoint such other officers and agents as they may deem proper, and affix their salaries.

Failure to elect, not to forfeit franchises.

SEC. 4. All stockholders who shall have paid in full the assessments upon their stock, shall be exempted from any liabities [liabilities] as stockholders of said company, and all the stockholders not having paid for their stock, according to the terms of subscription, shall be individually liable to the creditors of the company to the amount so remaining unpaid; and in like manner shall the directors be individually liable for any amount they may declare and authorize to be paid to the stockholders as dividends, when the company shall be unable to pay all the debts due by it. To avoid such liability on the part of any dissenting director, he must enter, or cause to be entered, on the minutes of the board, his dissent thereto, or, if not present when the act is done, he shall so record, or cause to be recorded, his dissent thereto, within thirty days after such dividend shall have been authorized.

Personal liabilities.

SEC. 5. The said company shall not contract any debts over and above the amount of capital stock paid in, no part of which shall be withdrawn or in any way or manner diverted from the business of the company, without the consent, in interest, of three-fourths of the stockholders.

Debts not to exceed capital stock.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 61.

[*Published April* 16, 1862.]

AN ACT to incorporate the Benton female academy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. Joanna Clark, Clara Conway, Josephine Cahill, and their associates and successors, are hereby created a body corporate and politic, for educational purposes, by the name of "Benton female academy," and by that name to remain in perpetual succession, with full power to sue and be sued, to acquire, hold and convey property, real and personal, and to make such by-laws as they shall judge necessary for the government of their academy, and appoint all officers for the same.

Board of trustees.

SECTION 2. The board of trustees of Benton female academy shall consist of three members, with power to increase the number to five, and three of such number shall constitute a quorum for the transaction of business.

Real estate.

SECTION 3. This female academy, in its corporate name, may hold real estate, not to exceed the value of one hundred thousand dollars.

STATE OF WISCONSIN,
IN ASSEMBLY, March 25th, 1862.

Passed over governor's veto.

I hereby certify that the above act was received from the governor, on the twenty-fourth inst., with objections, and on this day reconsidered, and the members present agreed to pass the same by a two-thirds vote, taken by yeas and nays, as follows: yeas, fifty-two; nays, twenty-three.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 27, 1862.

I hereby certify that the foregoing act was on this day reconsidered in the senate, and approved, the vote being taken by yeas and nays, as follows: yeas, twenty-nine; nays, two.

J. H. WARREN,
Chief clerk of the senate.

CHAPTER 62.

[*Published April* 16, 1862.]

AN ACT to change the name of Anna Margretha Fuchs to Anna Margretha Thomas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of Anna Margretha Fuchs, in the town of Mosel, in the county of Sheboygan, is hereby changed to that of Anna Margretha Thomas, and by the last mentioned name she shall be known and recognized. **Name changed.**

SECTION 2. The said Anna Margretha Thomas shall be known as the adopted daughter and heir of George Thomas, of the town of Mosel, in the county of Sheboygan, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintenance, as fully and effectually, and in the same manner, as she might or should be, if she were the legitimate child of said George Thomas. **Adopted daughter and heir of George Thomas.**

SECTION 3. This act shall not take effect or be in force until the said George Thomas shall irrevocably assent thereto in writing, under his hand and seal, and record the same in the office of the register of deeds in and for the county of Sheboygan. **When to take effect.**

STATE OF WISCONSIN,
IN ASSEMBLY, March 26th, 1862.

I hereby certify that the above act was returned by the governor, on the twenty-second inst., with objections, and on this day, being reconsidered, the members present agreed to pass the same by a two-thirds vote, taken by yeas and nays, as follows: yeas, sixty-five; nays, sixteen. **Passed over governor's veto.**

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 27, 1862.

I certify that the foregoing act was this day reconsidered in the senate, and approved, the vote being taken by yeas and nays, as follows: yeas, nineteen; nays, nine.

J. H. WARREN,
Chief clerk of the senate.

CHAPTER 68.

[*Published April* 16, 1862.]

AN ACT to incorporate the La Crosse seminary.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. That James L. Batchelder, Moses Anderson, J. Sumner, S. T. Smith, Angus Cameron, Charles Coleman and J. S. Simonton, and their associates, together with such other persons as may hereafter be associated with them, be and are hereby created a body corporate and politic, with perpetual succession, under the name and title of the "La Crosse seminary."

Powers of corporation.

SECTION 2. Said corporation shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity. It shall have a common seal, and may alter or revise the same at pleasure; it shall have power to acquire, purchase, receive by gift, possess, hold and enjoy property, real and personal, and to mortgage, sell, convey, rent or otherwise lawfully dispose of the same at pleasure: *provided*, the real estate to be held by this corporation at any one time, shall not exceed in value the sum of fifty thousand dollars.

Stock.

SECTION 3. The stock of said corporation shall be divided into shares of twenty-five dollars each, which shall be deemed personal property, and shall be transferable on the books of the corporation in such manner as shall be prescribed by its by-laws.

Trustees.

SECTION 4. The business of said corporation shall be managed by a board of seven trustees, who shall be elected by ballot annually by the stockholders, from their number, and who shall hold their office until their successors are duly elected. A majority of said trustees shall constitute a quorum.

Their powers.

SECTION 5. The trustees shall have power to elect from their number a president, secretary and treasurer; also, to elect all other officers of the corporation; to call special meetings of the stockholders; to fill vacancies in the board of trustees; to sell, lease and mortgage, or otherwise dispose of, any real or personal property of said corporation, in such manner as shall be directed by the stockholders; to direct and keep in repair all

necessary buildings for the use of said corporation; to employ suitable teachers, and to give direction as to the course of study and discipline to be observed in the seminary; and, generally, to manage the funds of said corporation, and to make all rules, regulations and by-laws necessary to carry into effect the power herein granted, and not inconsistent with the constitution and laws of this state.

SECTION 6. Any three of the above named persons shall have power to call a meeting of said association for the purpose of electing the first board of trustees, by giving notice thereof six days prior to the meeting, in some newspaper printed in the county of LaCrosse. First board of trustees.

SECTION 7. At all elections and meetings of said association, each stockholder shall be entitled to one vote for each share of stock owned by him: *provided*, at meetings of the board of trustees, each trustee shall cast but one vote. Votes.

SECTION 8. All lands occupied and used by said corporation, not exceeding ten acres, the buildings, library, cabinet, apperatus [apparatus] and books employed in the conduct of said seminary, shall be exempt from taxation. Exemption.

SECTION 9. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 64.

AN ACT to legalize the acts of the district board of school district number two, in the town of Hamburg, in the county of Bad Ax.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The action of the district board of school district number two, in the [said] town of Hamburg, in employing and hiring Miss Clara Thorpie (a person not having a certificate as required by law) to teach the common school of said district number two, in said town, for the winter term of said school, is hereby declared to be as legal and to have the same effect in all respects, as though said teacher had received a cer- Acts legalized.

tificate from the town or county superintendent, before such employment and hiring of said teacher by said district board.

District entitled to school moneys

SECTION 2. Said school district shall be entitled to the same amount of school money from the county and state for the present year, as though said common school of said district had been taught the time required by law by a qualified teacher.

Authority to district board.

SECTION 3. The said district board is hereby authorized to pay said teacher, Miss Clara Thorpie, for the time she has been engaged in teaching such common school, the same as though said teacher was at the time of teaching said school, a duly qualified teacher.

SECTION 4. This act shall take effect from and after its passage.

Approved March 28, 1862.

CHAPTER 65.

AN ACT to change the name of Sarah Ann Wyeth to Sarah Ann Rowell, and to make her the heir at law of Henry Rowell.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of Sarah Ann Wyeth shall hereafter be Sarah Ann Rowell, by which name she shall be called and known to all legal intents and purposes.

Heirship.

SECTION 2. The said person whose name is thus changed by section one of this act, shall be the child and heir at law of the said Henry Rowell, and the obligation of child to parent and parent to child, shall pertain as fully between the parties herein named as in the case of natural parentage and descent.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1862.

CHAPTER 66.

AN ACT to change the name of Caroline Knight to Caroline Dolling, and to make her the heir at law of Richard Dolling and Mary A. Dolling.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of Caroline Knight shall hereafter be Caroline Dolling, by which name she shall be called and known to all legal interests and purposes. Name changed.

SEC. 2. The said person whose name is thus changed by section first [one] of this act, shall be the child and heir at law of Richard and Mary A. Dolling aforesaid, and the obligations of child to parents and parents to child, shall pertain as fully between the parties herein named as in the case of natural parentage and descent. Heirship.

SEC. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1862.

CHAPTER 67.

AN ACT to authorize school district No. eleven, in the town of West Bend, in the county of Washington, to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. School district No. eleven, in the town of West Bend, in the county of Washington, is hereby authorized to borrow such sum or sums of money, not exceeding one thousand and two hundred dollars, at a rate of interest not exceeding eight per cent. per annum, for the purpose of enabling said school district No. eleven to purchase a suitable site for a school house for said district, and to build, erect and furnish in a suitable manner a school house in and for said school district, for such length of time, not exceeding ten years, as the board thereof may determine; and the officers of said district are hereby authorized, in the name of said district, to make and execute any bond, May borrow money to build school house.

pledge or security, binding said district, and all the property thereof, that they may deem proper and advisable, to secure the payment of such money borrowed and the interest thereon.

Amount to be determined by vote of the district.

SECTION 2. Before any such loan as is provided for in this act shall be effective, the amount of such loan shall be determined upon by a vote of the electors of said district, at an annual or special meeting thereof, and a special meeting for that purpose may be called in the manner now provided by law for calling special school district meetings.

Liability of property of the district.

SECTION 3. Should a loan be effected by the board of said district under the provisions of this act, all the taxable property of said district, at the time of making the loan, and all that may be thereafter added or annexed thereto, except such personal property as may, after the effecting of said loan in the manner aforesaid, be removed out of said district, and which shall remain and be out of the limits of said district at the time of levying the tax or taxes to raise the necessary money to repay to principal or interest upon said loan, shall be holden for the payment of the principal and interest of the money loaned; and it shall be the duty of the clerk of said district, in addition to other taxes of said district, to add, without a vote of said district, a tax sufficient to pay the principal or interestdue, according to the condition of said loan.

Construction of laws.

SECTION 4. All acts or laws conflicting with the provisions hereof, shall not be construed, and shall not operate so as to defeat, the purposes and provisions of this act.

SECTION 5. This act shall be published immediately after its passage, and shall take effect and be in force from and after its publication.

Approved April 2, 1862.

CHAPTER 68.

[*Published April* 16, 1862.]

AN ACT to extend the state road from Lake View, in Dane county, to Stoughton, to the city of Madison, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. William M. Colladay, Joseph G. Fox and Edwin Ralyea are hereby appointed commissioners to lay out and establish a state road from Lake View, in the town of Fitchburgh, to the city of Madison, in Dane county, by the most direct and feasible route, and they are hereby fully authorized and empowered, as such commissioners, to lay out and establish a state road as aforesaid. Commissioners.

SECTION 2. Said commissioners may adopt so much of any road heretofore laid out (or intended so to be) as they shall deem proper, and may discontinue so much thereof as shall not be adopted by them: *provided*, said road shall pursue the same general direction as the road laid out by said commissioners under the provisions of this act. May adopt any part of road heretofore laid out.

SECTION 3. Upon said commissioners depositing a certified return of the survey and plot of the state road which shall be laid out by them as aforesaid, with the secretary of state, and also with the clerk of the board of supervisors of Dane county, said road shall become a public highway, and the supervisors of each town through which said road passes, shall without unnecessary delay proceed to open and work the same in their town, in accordance with the provisions of chapter 19 of the revised statutes of this state. When road to become public highway.

SECTION 4. No part of the expense of laying out said road shall be paid by the state. State not liable for expense.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 2, 1862.

CHAPTER 69.

[*Published April* 16, 1862.]

AN ACT to incorporate the Waupun and Grand Rapids railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. John Parker, Austin McCracken, A. Nichols, W. Hatcher, J. E. Millard, Charles Kelsey and Henry Clinton, and such other persons as may become associated with them as subscribers to the capital stock of this corporation, in the manner hereinafter prescribed, and their successors and assigns, are hereby created a body corporate, by the name of the Waupun and Grand Rapids railroad company, and by that name shall be and are hereby made capable in law to purchase, hold and enjoy, and retain to them and their successors, lands, tenements and hereditaments, as far as may be necessary for the purpose of said railroad, and the same to sell, grant, rent, or in any manner to dispose of; to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make and use a common seal, and the same to alter, break or renew at their pleasure; and if either of the persons named in the first section of this act should die, or refuse or neglect to execute the powers and discharge the duties hereby created and enjoined, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to perform the duties required by this act.

Name and powers.

Capital stock.

SECTION 2. The capital stock of said corporation shall be ten hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and five dollars shall be paid on each share at the time of subscribing said stock.

First directors.

SECTION 3. The persons named in the first section of this act, shall be and are hereby made, constituted, appointed and declared the first directors of said company, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders, as hereinafter provided.

SECTION 4. The board of directors, or a majority of them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, at such times and places as they may designate, giving at least thirty days' notice of such times and places, by publishing the same in some newspaper printed in the counties of Green Lake and Marquette. Opening books of subscription.

SECTION 5. As soon as said stock, or the sum of five thousand dollars thereof, shall have been subscribed, the above named persons, or a majority of them, shall give like notices of the time and place for the meeting of the stockholders, to choose not less than seven nor more than thirteen directors, which number shall be determined by a vote of the stockholders then present; and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until others are elected. First election of directors.

SECTION 6. All the affairs of said corporation shall be managed by the board of directors, who shall be stockholders, and the board of directors are hereby invested with all the powers of the corporation. They shall be chosen annually by the stockholders by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given, as is herein required to be given of the first election of directors. At all meetings of the stockholders, the votes of the stockholders may be cast in person or by proxy, duly authorized, and every stockholder shall be entitled to one vote for each and every share of stock held by him; and in all elections for directors, those stockholders, equal to the number of directors to be elected, having the greatest number of votes, shall be declared duly elected. The election shall be conducted in such manner as shall be prescribed by the by-laws or the resolution of the company. If, for any cause, an election of directors shall not be had at the time when, by the provisions of this act, it should be had, the same may be had at any other time on notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchies or immunities by reason of the irregularity or want of any such election. Board of directors. To be annually elected. Failure to elect not a loss of franchises.

Quorum.

SECTION 7. A majority of the board of directors shall constitute a quorum for the transaction of any business. They shall meet at such times and places, and may be convened in such manner, as they shall prescribe. They may fill any vacancy which may occur in their own board. They shall appoint one of their own number president and one vice president, who shall serve one year or until a new election of directors. The president, when present, shall preside at all meetings of the directors and stockholders, and in his absence the vice president shall discharge the duties of president, and in case of the absence of president and vice president, the directors may appoint a president *pro tem.*, who shall discharge all the duties of president during the absence of the president and vice president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorney and such other officers and agents as they may find necessary, to fix their compensation and define their duties, and demand adequate security for the faithful discharge of their respective duties and trusts. The directors shall have power to determine the amount of each installment to be paid from time to time on stock subscriptions, and to forfeit to the use of the company or to sell the share or shares of any person failing to pay any installment which may be required of them by the directors; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in the notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid, at least thirty days previously to the day on which such payment is required to be made. They may receive, take and hold in payment for the stock of said company, any lands or other estate, either real, personal or mixed, and they may convey in fee simple any estate so received, taken or held, and they may also mortgage or pledge any of their estate, either real, personal or mixed, in such manner and on such terms as the directors may think proper. The directors shall have power to establish and regulate their tolls and charges for the transportation of freight and pas-

Meetings.

President and vice president.

Other officers.

Forfeiture of stock.

May receive and convey real and personal property.

Tolls and charges.

sengers, and the storage of freight, and to collect all such tolls and charges, and to make such covenants and agreements with any person or persons, copartnership or corporation whatever, as to the construction and management of the road, as the convenience and interest of the company may require; to make any contract or agreement which they may think proper, with any other railroad company, for the leasing or purchasing of the whole or any part of any railroad constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company the whole or any part of the railroad of this company, or to consolidate the capital stock of this company with the capital stock of any other railroad company in this state, on such terms as shall be agreed upon by the directors of such companies respectively. The directors shall have power and authority to make and establish such by-laws as they may think proper, respecting the property, business, stock, government and power of said corporation, and may exercise all the powers which may be prescribed by such by-laws, and make such other rules, regulations and orders as they may think proper; but no such by-laws, rules, regulations or orders shall be inconsistent with this act or with the constitution or laws of this state, and they shall have power, in general, to superintend and direct all the operations, receipts and disbursements and all other affairs of said company.

Contracts.

May lease, sell or consolidate.

By-laws.

SECTION 8. All shares of stock in said company, owned by any person, shall be deemed personal property, and certificates for the same shall be issued in such manner and form as shall be prescribed by the by-laws, and the same shall be transferable in the manner and form prescribed by the by-laws of said company.

Shares deemed personal property.

SECTION 9. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders owning one-fourth of the capital stock of said company, and the same notice shall be given as is required to be given for annual meetings of the stockholders, and such notice shall specify the object of the meeting.

Special meetings.

SECTION 10. The said company shall have power to locate and construct, and perpetually to have, use and enjoy, a railroad, with one or more railways or tracks, from Waupun, in Fond du Lac county, to Grand Rap-

May locate and construct a railroad, &c.

ids, in Wood county; and said company shall have the perpetual right, power and authority to transport, take and convey property and persons upon said road, by the power and force of steam, or by animals, or any mechanical or other power, or combination of power; and from time to time to receive and store any property in any of the depots, storehouses or warehouses of said company, and to make and contract all such turn-outs, side tracks and connecting tracks as they shall think will promote the interest of said company; and to erect, construct and use all such depots, station houses, warehouses, carhouses and shops, and all other fixtures useful for the accommodation of said company and its road, and those using it; to purchase and own rails, chains, spikes, engines, cars, and all things necessary or useful for the construction and operation of a railroad.

May borrow money, &c.

SECTION 11. The said company is authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest that may be agreed upon by and between said company and any party of whom such money may be obtained, any law on the subject of usury to the contrary notwithstanding; and to make, execute and deliver, in or out of the state, all necessary writings, notes, bonds, mortgages or other papers and securities, in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liabilities they may incur in the construction, repair, equipment or running of said road; and to make, execute, sell and deliver, at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times and bearing such rate of interest, as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carry out the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding, in law and equity, upon said corporation, and upon all other parties to such contract.

Right of way.

SECTION 12. Said company shall have the right and

authority to construct their railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same shall be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as it can be done consistently with the rights and privileges hereby granted to said company, or make compensation for the same as provided for in section fourteen of this act; and said company shall have the right and authority to erect and maintain all necessary bridges for the use of their railroad, over any stream of water or water course, at such points of crossing the stream as they may locate the said road, with all necessary abutments, piers or other foundations; but nothing in this act contained shall be construed to authorize the erection of any bridge or any other obstruction across, in or over any stream or lake navigated by steam or sail boats, at the place where any bridge or other obstruction may be proposed to be placed, nor to authorize the construction of any railroad not already located in, upon or across any streets in any city or village, without the assent of the corporation of the same, and shall restore such stream which may be obstructed or diverted in the progress of the construction of said railroad, to its natural channel.

Bridges.

Navigation not to be obstructed without consent, &c.

SECTION 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said railroad shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time, to enter upon, take possession of and use any such land, not exceeding one hundred feet in width, along the line of said road, and also such lands adjacent to the line of said route beyond the said limits of one hundred feet, as the chief engineer of said company shall declare to be necessary in building said road, or for the purpose of erecting depot buildings, station houses or other fixtures and grounds about the same, for the operation and business of said road, or for making drains and giving a proper direction to water courses, or for diverting or changing the channel of water courses across or along said road, or for the

May survey and use land on line of road.

Water courses.

Clearing obstructions.

purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of obtaining earth, gravel, timber, stone or material for embankments, structures or superstructures necessary to the construction of said road, subject, however, to the payment of such compensation as the company may have agreed upon to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to said land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever in the opinion of the company the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same or any part thereof in fee simple.

Compensation.

To agree with owners.

SECTION 14. The said company shall have the right to enter upon any lands required for their use, as provided in the thirteenth section of this act, and to survey and lay out said road, not exceeding one hundred feet in width; and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for such lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane or under any legal disabilities, then with the guardian of such person; and if said company cannot agree with or ascertain who is such guardian or owner, then the question of compensation shall be submitted to an arbitration in the following manner, to wit: The said company shall select a disinterested arbitrator, and such owner or guardian shall select another, who shall be disinterested and not akin to the owner or agent of such land, and should the persons so selected as arbitrators refuse or neglect, or should such owner or guardian neglect or refuse to choose such arbitrater for the space of five days after being notified by said company to do so, or in case said company cannot find such owner or guardian, then, in either case, the judge of probate or the chairman of the county board of supervisors of the county in which

In case of disagreement, to choose arbitrators.

such lands lie, shall, upon application being made to either of them by the president or by a majority of the directors of said company, or by its legally authorized agent or attorney, appoint three competent persons to act as arbitrators, who shall not be akin to the claimant and who are not stockholders in said company; and the said arbitrators shall proceed to examine the premises, and to make an award of the amount of compensation which shall be paid by said company to such person or persons for the land so taken, and shall deliver a copy of their award in writing to each of the parties; and if the amount awarded by such arbitrators shall be more than said company had previously offered to pay, the said company shall pay all expenses of said arbitration; if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the court having jurisdiction for the county in which such lands are situated, by giving a written notice of such appeal to some one of the arbitrators; and when the arbitrator receives such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances, all the rights said company acquired by this act, and all the benefits received by the complainant from said railroad; and the said court shall thereupon proceed to hear, determine and render judgment in favor of said complaint [complainant] against said company, as in other cases tried in said court; and if the amount so found for such complainant shall exceed the amount so found by said arbitrators, the judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, the judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation, so ascertained according to the provisions of this section, shall be paid or tendered to the parties entitled to the same, the title to said lands shall vest in said company in fee simple, and a copy of such award or judgment, filed and returned in the proper

Expenses.

Appeal.

Judgment of court, costs, &c.

Title to vest in company.

deed book in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title. And the said company shall have full power and authority, pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said land or lands for all purposes of said corporation, and they shall not, while such proceedings shall be pending or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceedings at law or in equity. The said arbitrators shall, before they enter upon the duties of their appointment, severally take and subscribe an oath to faithfully and honestly decide between the parties, which oath shall be taken before some person authorized to administer oaths, and shall be returned with the award.

Company to enjoy peaceable possession of lands during pendency of proceedings.

Arbitrators to take an oath.

Competency of witnesses, &c.

SECTION 15. No person shall be incompetent to be a witness or give testimony in a suit or proceeding at law or in equity, in which the railroad company shall be a party, but no person shall be qualified to discharge the duties of judge, justice of the peace or juror, in any suit or proceeding, who is a stockholder in said company.

Freight and fares.

SECTION 16. On the completion of said railroad or any part thereof, not less than three miles in length, it shall and may be lawful for the company to demand and receive such sum or sums of money for freight or passage, and freight of persons and property, as they shall from time to time think reasonable.

Penalties for injury to road.

SECTION 17. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall willfully and maliciously place any obstruction or thing upon the track of said road, such person so offending shall each of them, for every such offense, forfeit and pay a sum not exceeding three times the amount of damages caused by such offense, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offense shall be committed, and shall also be subject to indictment, and upon conviction of any such offense, shall be punished by imprisonment and fine, or either, at the discretion of the court.

SECTION 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the state, shall be received as evidence thereof in all cases; and this act shall be in full force and effect from and after its passage. Public act.

Approved April 2, 1862.

CHAPTER 70.

AN ACT to authorize Mabel E. Peabody to convey certain lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. [That] Mabel E. Peabody be and she is hereby authorized to sell and convey lots number [numbers] eight, nine, ten, eleven, twelve and thirteen, in block number two, in Whitney's addition to the village of Columbus, Columbia county, and state of Wisconsin. Authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1862.

CHAPTER 71.

AN ACT to change the names of certain persons, citizens of this state, from that of Hoare to Howard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The names of Caroline Hoare, Annie C. Hoare, Annie Hoare, Carrie L. Hoare, Edward C. Hoare, Henry Hoare, George Hoare, Edwin Hoare and Robert F. Hoare, are hereby changed to Caroline Howard, Annie C. Howard, Annie Howard, Carrie L. Howard, Henry Howard, Edward C. Howard, George How- Names changed.

ard, Edwin Howard and Robert F. Howard; and said persons shall hereafter, with every one of their respective offspring, of non-age, be called, known and recognized by the name of Howard, in place and stead of their late surname, without prejudice to any rights of inheritance or of descent, or of any other rights now existing or which may accrue to any one or more of them hereafter, under their late name aforesaid.

Rights of inheritance.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 72.

[*Published April* 16, 1862.]

AN ACT to amend section seven of chapter 235 of the private and local laws of 1857, entitled "an act to incorporate the Chippewa Falls lumbering company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Construction of boom, &c.

SECTION 1. Section seven of chapter 235 of the private and local laws of 1857, is hereby amended by adding to said section the following: "And shall also be so constructed or arranged, that all logs not owned by said company, its successors or assigns, or by parties desiring their logs to be detained in said boom, may be assorted from the logs of said company, its successors or assigns; and that said logs not owned by the said company, its successors or assigns, or such other parties, shall not be detained in said boom longer than a reasonable time in which to deliver the same in the river below the said boom. And in case the said company, its successors or assigns, shall refuse or neglect so to assort and deliver the logs of other parties, it shall be lawful for the parties owning logs in said boom to assort and pass their own logs through said boom or booms, after having first demanded such delivery of their said logs of said company, its successors or assigns, during the log-driving season; and in such case, said company, its successors or assigns shall pay all costs and expenses for such assorting and delivery."

Liability of company.

SECTION 2. This act shall be in force from and after the first day of August, 1862.

Approved April 3, 1862.

CHAPTER 73.

[*Published April* 16, 1862.]

AN ACT to repeal chapter ninety-three of the general laws of 1850, entitled "an act to amend an act entitled 'an act to incorporate the Madison and Oconomowoc plankroad company.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter ninety-three of the general laws of 1850, entitled "an act to amend an act entitled 'an act to incorporate the Madison and Oconomowoc plankroad company,'" is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 74.

[*Published April* 16, 1862.]

AN ACT to incorporate the Universalist convention of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. T. H. Tabor, A. C. Whiting, L. Frost, E. Garfield, J. E. Holmes, A. T. Reed, W. D. Bradford, H. M. Buttles [and] E. D. Gillis, their associates and successors, are hereby made a body politic and corporate, with perpetual succession, by the name of the "Wisconsin Universalist convention," and by that name it shall be competent to contract and be contracted with, sue and be sued, answer and be answered un- Corporators. Name and powers.

to, in all courts of law and equity; to have a common seal, and to change the same at pleasure; to acquire and hold, possess and enjoy, and to sell, convey and dispose of property, both real and personal, to the value of twenty-five thousand dollors, to be devoted exclusively to the diffusion of the knowledge of christianity, by means of publications, schools, missionary labors, or otherwise.

Constitution, by-laws, &c.

SECTION 2. Said convention shall have power to adopt a constitution and by-laws for its government, to prescribe the number and title of its officers, and also the number of directors, and to prescribe their powers and duties, and their term of office, and to do such other things as may be necessary for governing and promoting the interests of said convention, not inconsistent with the constitution and laws of this state or of the United States.

SECTION 3. This act shall be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 75.

[*Published April* 16, 1862.]

AN ACT fixing the salary for the clerk of the board of supervisors of St. Croix county, and county treasurer of St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary $1,000 each.

SECTION 1. On and after the 1st day of January, 1863, the office [offices] of clerk of the board of supervisors and county treasurer of St. Croix county, are hereby constituted salaried offices, and said officers shall each receive a salary of one thousand dollars per annum, to be paid quarterly by said county to them respectively, which said salary shall be in lieu of all fees authorized by law to be by them collected respectively; but said officers shall and (*each of them*) are hereby required to collect all fees so authorized by law to be by them collected respectively, and pay and deposit the same into the county treasury for the use and benefit of

To collect and pay fees to treasurer, &c.

said county of St. Croix, and at the same time file therewith in the office of said treasurer their statements, respectively, of all such fees by them collected as herein directed, which said statement [statements] shall be verified by their oaths respectively, and shall keep their respective accounts of the fees so collected in such manner as the board of supervisors of said county of St. Croix shall direct.

Approved April 3, 1862.

CHAPTER 76.

[*Published April* 16, 1862.]

AN ACT to incorporate the Sheboygan Thalia society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name, object, powers, &c.

SECTION 1. The members of the Sheboygan theater society, in the city of Sheboygan, and all persons who shall hereafter be associated with them as members of said society, are hereby created a body corporate, by the name of the "Sheboygan Thalia society," for the purpose of promoting the cultivation of a musical taste among its members, by frequent rehearsals and performances at concerts and other suitable occasions, with the power, for such purpose, to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal property to the amount of ten thousand dollars; and also in their corporate name to contract and be contracted with, sue and be sued, appear, prosecute and defend all actions and causes to final judgment and execution, in any court of law or equity, and to make by-laws and regulations, consistent with the laws of this state, for the government of said corporation, and for the due and orderly conduct and regulation of its affairs and the management of its property.

Trustees, and their duties.

SECTION 2. The members of said association shall have power to assemble and meet at such times and places as may be agreed upon, and they shall elect any number of discreet persons of their associates, not less

than three nor more than nine in number, as trustees, to take charge of the real and personal property belonging thereto, as the laws of this state require, and to transact all business relative to the investment and disposal thereof.

Annual election.

SECTION 3. The annual election of officers of the said corporation shall be held on the first Monday of December, in each year, or on such other days as the said corporation, by its by-laws and regulations, may appoint, notice of which may be given as said by-laws shall provide.

SECTION 4. This act shall take effect immediately after its passage.

STATE OF WISCONSIN,
IN ASSEMBLY, March 21st, 1862.

Passed over governor's veto.

I hereby certify that the above act was on this day returned by the governor, with objections, and reconsidered, and the members present agreed to pass the same by a two-thirds vote, taken by yeas and nays, as follows: yeas, sixty-two; nays, sixteen.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, April 3d, 1862.

I hereby certify that the foregoing act was on this day reconsidered in the senate, and approved, the vote being taken by yeas and nays, as follows: yeas, twenty-four; nays, four.

J. H. WARREN,
Chief clerk, senate.

CHAPTER 77.

[*Published April* 16, 1862.]

AN ACT to amend section eight of chapter sixty-three of the private and local laws of 1860, entitled "an act to incorporate the Milwaukee and Cedarburg plankroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chapter of R. S. referred to.

SECTION 1. That section eight of chapter sixty-three

of the private and local laws of 1860, entitled "an act to incorporate the Milwaukee and Cedarburg plank-road company," be and the same is hereby amended by inserting the word "nine" after the word "sixty," where said word "sixty" occurs in the tenth line of said section, as the same is printed in the volume of private and local laws of 1860.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1862.

CHAPTER 78.

[*Published April* 16, 1862.]

AN ACT to authorize the construction of a bridge across Fox river, between Green Bay and Fort Howard.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Green Bay and the borough of Fort Howard are, and either of said corporations is, hereby authorized to erect and maintain a wagon bridge across Fox river, in Brown county, from a suitable point on the east side of said river, within the limits of said city, to a suitable point on the west side of said river, within the limits of the said borough, but not north of Doty street, in the city of Green Bay: *provided*, that said bridge shall not be less than twenty-four feet in width, and shall have a draw not less than sixty feet wide. Authority to build bridge. Width and draw.

SECTION 2. The said bridge shall be built at the expense of the two corporations above named, in such proportion as to each, as shall be determined by the authority of the respective corporations, unless the said bridge shall be built by one of said corporations alone: *provided*, that the cost of said bridge shall not in either or any case exceed the sum of twenty-five thousand dollars, and that only one bridge shall be built under this act. At whose expense to be built. Limit to cost.

SECTION 3. The said bridge shall be and remain for- To be free.

ever free, and no tolls shall be required from any person or persons crossing the same.

Not to obstruct navigation.

SECTION 4. The draw of said bridge shall be capable of being so managed as to admit the passage of all boats, vessels and water craft navigating, or which may hereafter navigate, the said Fox river, without hindrance or unnecessary delay; and the said corporations, or either of said corporations which may build said bridge, shall cause the same to be attended so as to pass and repass all boats, vessels and water craft at all times, free of charge and without unnecessary delay.

Vessels to pass free.

How repairs, &c., to be paid.

SECTION 5. The expenses of maintaining and repairing said bridge and of attending the said draw, shall be paid by the said corporations in proportion to the amount contributed by each towards the construction of said bridge; or, if built by either one of said corporations alone, said expenses shall be paid by the corporation which shall have built said bridge: *provided*, that it shall be lawful for said corporations at any future time, to agree upon any other or different proportions of such expenses, which shall be paid by the said corporations respectively.

Bridge not to abut upon any street north of Doty street.

SECTION 6. The said corporations shall be authorized to abut said bridge upon any suitable street in said city or borough, not north of Doty street, in said city, which may be agreed upon by the said corporations; or either of the said corporations by which said bridge shall be built, may abut said bridge upon any suitable street in the other corporation, not north of said Doty street: *provided*, that the corporation so building said bridge shall make just compensation for any damage done to corporate or private property taken or used for said bridge, or for either of the abutments thereof, which damage may be ascertained by agreement between the corporation or corporations building said bridge, and the corporation or person sustaining such damage; or if such damage cannot be so agreed upon, then the same shall be ascertained by a jury, in the manner provided by chapter 19 of the revised statutes of Wisconsin, for ascertaining damage resulting from the laying out and opening of highways through the lands of individuals: *provided*, the said jury shall not be drawn from the city of Green Bay or the borough of Fort Howard. The decision or verdict of said jury, to be valid, shall be in writing, signed by them, and

Compensation for damages.

How damages may be ascertained.

Verdict of jury—how damages to be paid.

filed in the office of the clerk of the circuit court for Brown county; and the said damages, when so agreed upon or ascertained, with all lawful costs and charges, shall constitute a debt against the corporation or corporations doing such damage, and shall be audited, allowed and paid by such corporation or corporations in the same manner as other corporation charges are allowed and paid. Any person or corporation feeling aggrieved by any decision allowing or refusing damages under this act, may appeal to the circuit court for Brown county, and have said damages assessed by a jury of said circuit court, upon the verdict of which jury, judgment may be entered by said court, and such judgment, with all costs, may be collected in the same manner in which judgments against towns are collected under chapter 15, section 78, of the revised statutes of this state.—Appeals under this act may be brought by the service of a written notice of appeal, (referring to the decision or verdict filed as aforesaid,) upon the mayor, president or clerk of either or both of said corporations, as the case may require, and by filing a copy of such notice with the clerk of said court, within twenty days from the time of the filing of such verdict or decision; and any such appeal may be brought on for hearing and that [trial] in said court, in the same manner as ordinary actions in said court.

Appeal.

SECTION 7. The building of said bridge shall be let by contract to the lowest bidder, after notice to receive sealed proposals for that purpose, at such time and in such manner as the said corporations or either of them which shall build said bridge, may direct: *provided*, that the whole plan and construction of said bridge shall be under the superintendence of a competent engineer, who shall be employed for that purpose by the said corporations, or by the corporation which shall build said bridge.

Bridge to be built by contract.

Plan and superintendence.

SECTION 8. The said bridge, when completed, shall be owned by the corporation or corporations building the same; and if built by both of said corporations, the said corporations, or either of them, shall have the right to prosecute and maintain any action or actions to recover damages for any injury or injuries done to said bridge, or to prevent the commission of any injury or damage thereto. The costs and expenses of any such action shall be borne and paid by the said corporations,

By whom to be owned.

Costs of actions.

respectively, in proportion to their respective interests in said bridge; and any and all damages recovered by said corporations, or either of them, shall be divided between said corporations in the like proportion. Repairs to said bridge shall be made by said corporations in proportion to their respective interests therein; and if either corporation shall neglect or refuse to make or pay for its just proportion of such repairs, after notice or demand from the other, the corporation so refusing or neglecting shall be liable to the other for its relative proportion of the costs of such repairs. If the said bridge shall be built by one only of said corporations, the corporation so building the same shall have the right to prosecute and maintain, for its own benefit, any action or actions to recover damages for injuries to said bridge, or to prevent such injuries.

Repairs.

Tariff, fines, &c.

SECTION 9. The corporation or corporations which shall build said bridge under this act, may also control and regulate the passage of persons and teams, and of animals over and upon said brdge; and for that purpose may impose and enforce collection of such fines and penalties for any violation or violations of any ordinance or regulation made by them, or either of them, in relation thereto, as they or either of them shall determine; and may also adopt and enforce any proper ordinance or ordinances to prevent or remove obstructions thereon or therefrom, in the same manner and to the same extent as if said bridge were one of the streets or public highways of said city or borough.

Bonds may be issued.

SECTION 10. For the purpose of enabling said corporations or either of them to build the said bridge, the said corporations are, and each of them is, hereby authorized to issue bonds to such an amount as may be determined upon by the said corporations, or either of them, not exceeding in the aggregate twenty-five thousand dollars, (with interest coupons attached, executed in such manner and form as they or either of them shall direct,) in sums of not more than five hundred dollars nor less than one hundred dollars each, which bonds shall mature in not more than twenty nor less than ten years from the date of their issue, and shall draw interest, payable annually, at seven per cent. The said bonds shall be signed by the mayor and clerk of said city, if issued by the city of Green Bay, and by the president and clerk of said borough, if issued by the

Amount limited.

When to mature.

How signed, &c.

borough of Fort Howard, and shall be under the seals of said corporations, or under the seal of either, as the case may require, and may be issued in such form in all other respects as the said corporations respectively, or either of them, may direct, and at such times after the letting of the contract to build the said bridge, as the authorities of said corporations, or either of them, may determine. The said bonds shall be payable to the bearer, at the office of the treasurer of the corporation by which the same are issued. Where payable.

SECTION 11. The said bonds shall be equally divided into as many classes as any of said bonds shall have years to run. The first class of said bonds, with interest on all of said bonds which shall then have been issued, shall become due and payable in one year from the date thereof; the second class, with interest as last aforesaid, in two years from the date thereof; and so on, consecutively, until the last class of said bonds shall become due and payable. Classification, and when payable.

SECTION 12. No larger amount of bonds shall be issued pursuant to this act than shall be required for the construction of said bridge, and no part of said bonds or the proceeds or interest thereof, shall be used for any purpose other than for the erection of said bridge. Amount to be issued.

SECTION 13. The city council of the city of Green Bay, and the president and trustees of the borough of Fort Howard, or either of them, (as shall be determined by the corporation or corporations which shall build said bridge,) shall annually levy a tax on all the taxable property in the said city and borough, or in either, as may be determined as aforesaid, sufficient to pay the interest on all of said bonds which at the time of levying said tax shall be outstanding, and the principal of so many of said bonds as shall mature and become payable in each year, as provided in this act; which tax shall be called the "bridge tax," and shall be paid in money or in the bonds and coupons then due and payable; and the said bonds and coupons, whenever they shall be due and payable, shall be receivable in payment of any taxes due to the corporation issuing such bonds, in like manner as city or borough orders. Tax for payment of interest and principal. Name of tax. Bonds receivable for taxes.

SECTION 14. The first levy of the annual tax required by this act, shall be made within the same year in which the contract for the building of said bridge When first levy of tax to be made.

shall be let, unless the letting of the contract shall take place after the time for levying the annual taxes for state, county and corporate purposes, in which case the said first levy shall be made with the next levy of general taxes; and all the taxes provided for by this act shall be levied annually thereafter, together with the said state, county and corporate taxes.

Subsequent levies.

Faith of corporation pledged for payment of bonds.

SECTION 15 The said taxes shall be levied and collected in the same manner as other city or borough taxes are levied and collected, and the good faith of the said respective corporations, or of either corporation which may build said bridge, shall stand pledged for the punctual payment of the principal and interest on said bonds, as the same shall become due; and if the said corporate authorities, or either of them, as the case may be, shall neglect or refuse to levy or to collect the said tax or any part thereof, at any of the times provided for by this act, it shall be the duty of the judge of the tenth judicial circuit, in vacation or at any term of the circuit court in said circuit, on the petition of any holder of any of said bonds, verified by affidavit, showing to the satisfaction of said judge that the said authorities have neglected or refused to levy or collect the said tax or any part thereof as aforesaid, to make and issue an order or precept directing the sheriff of Brown county to take the latest assessment rolls of said city and borough, or the latest assessment roll of either of said corporations, as the case may be, and to calculate, enter and carry out upon said assessment roll or rolls the amounts necessary to be charged against each and every person or persons, corporation or corporations, assessed with real or personal property upon said roll or rolls, a sufficient per centage *pro rata*, to pay the whole amount of the tax so neglected or refused to be levied or collected by the corporate authorities aforesaid, or either of them, and all the accruing interest on said bonds, together with the proper costs and charges, and to proceed to collect the said tax in the same manner in which the treasurer of said city or borough could lawfully collect the same. The said sheriff shall receive the same fees for his services under this act, as other officers would be entitled to for like services; and in case of the neglect or refusal of any person or corporation to pay such tax when demanded by said sheriff, it shall be the duty of said sheriff to enforce collection or

Judge of 10th circuit may order sheriff to levy and collect tax.

Compensation therefor.

How collection may be enforced.

payment of the same, by proceeding in the same manner, in all respects, as the city treasurer of Green Bay, or the treasurer of the borough of Fort Howard, is or may be authorized by law to proceed in enforcing the collection of state, county, city or borough taxes; and it shall be the duty of the clerks of said city and borough, or of the clerk of either corporation, or of any other officer having the charge or custody thereof, to deliver to said sheriff the said assessment roll or rolls for the purposes herein provided for, on the demand of said sheriff and the production by him of said order from the circuit judge; and any failure or refusal of said clerk or clerks, or other officer, or either of them, to deliver to said sheriff the said roll or rolls, shall be deemed a misdemeanor, which shall be punishable by indictment and by fine and imprisonment, at the discretion of the circuit court. Any refusal or neglect on the part of said sheriff to perform any of the duties enjoined upon him by this act, shall be a breach of his official bond, and he and his sureties shall be held liable thereon for all damages to any person or persons, corporation or corporations, aggrieved by such refusal or neglect, which damages may be recovered by action on said bond, in any court of competent jurisdiction.

Duty of clerks.

Penalties.

SECTION 16. No bonds shall be issued under this act until the question shall have been submitted to a vote of the electors, resident in said city and borough, respectively, qualified to vote for city and borough officers, or either, at an election or at elections to be held in said city and borough, or in either, as hereinafter provided. It shall be the duty of the city council of the city of Green Bay, and of the pres dent and trustees of said borough of Fort Howard, or of such authorities of either of said corporations which may determine to build said bridge, to give or cause to be given twenty days' notice of such election or elections, by the posting up of written or printed notices in five public places in each of said corporations, or in such one of the said corporations as shall determine to build said bridge, and to cause said notice to be published three times in the newspapers published in said city, at any time within one month prior to the time fixed for holding said election in said city of Green Bay. The said notice shall set forth, that on a certain day, during the usual hours and at the usual places for holding general elections in

Question to be submitted to electors.

Notice of election.

each ward of said city or borough, as the case may be, an election will be held for the purpose of deciding whether the said city or borough shall issue bonds and coupons for the purposes mentioned in this act, and shall also state the amount of such bonds and coupons, and how and when payable. On the day and at the place [places] specified in said notice or notices, the said election or elections shall be held, and the same shall be conducted, canvassed and returned, in all respects, as provided by law for holding and conducting city or borough elections, as the case may require. The electors shall vote by ballot, and each vote shall have writ [written] or printed, or partly written and partly printed on each ballot the words "for the bridge," or "against the bridge;" and if it appears that a majority of the votes in said city and a majority of the votes in said borough, are "for the bridge," when the proposition is that the bridge be built by both of said corporations, then the said bonds shall be issued by each of said corporations, and the taxes to pay the same shall be levied and collected in each of said corporations, as provided in this act, but not otherwise: *provided, however*, that if the question shall be upon the issue of bonds by one of said corporations which shall determine to build said bridge, without the aid of the other, then if a majority of said votes in such corporation alone be "for the bridge," the said bonds shall be issued by the said corporation so alone determining to build said bridge, and said taxes shall be in like manner collected therein.

How election to be conducted, &c.

Form of ballots.

When bonds may be issued.

When one of the corporations may issue the bonds.

Affidavit of posting notices of election.

SECTION 17. The mayor of said city or the president of said borough, or each of them, as the case may require, shall cause to be made and filed with the clerk of either or each of said corporations, an affidavit or affidavits of the posting up of the notices required in the preceding section of this act, which affidavit or affidavits shall be deposited and filed in the clerk's office or offices of said city and borough, or either of them; and the said affidavit or affidavits, or a certified copy or copies thereof, under the hand of said clerk or clerks, shall be evidence of the facts therein stated in all courts and places whatever.

Record of bonds to be kept, &c.

SECTION 18. It shall be the duty of the clerks of said city and borough, or of the clerk of the corporation issuing bonds or coupons under this act, to keep an accurate register of all such bonds and coupons,

showing the dates, numbers and amounts thereof, to whom issued, when payable, the rate of interest, and to whom and when delivered. It shall also be the duty of the respective treasurers of said city and borough, or of the treasurer of the corporation issuing such bonds, to keep in his or their offices an accurate account in a proper book for the purpose, of all bridge taxes collected by such treasurer or treasurers, and of all bonds and coupons taken up or paid by such treasurer or treasurers, from time to time, and of all sums of money paid thereon for principal or interest; and the said register and accounts shall be so kept at all times as to fully and clearly exhibit all the liabilities, receipts, disbursements and the precise state of indebtedness of said corporation or corporations, arising from the issuing of said bonds and coupons, and from the taxes aforesaid.

Duty of treasurer.

SECTION 19. For the purpose of enabling the said corporations, or either of them, fully to exercise the powers conferred by this act, and completely to carry out the objects of the same, the said corporations are, or either of them is, hereby authorized to make, adopt or enact all such regulations, rules and ordinances as may be necessary and proper in respect to the location of said bridge, the plan and construction, the management, control, protection, repairing and maintenance thereof; the election or elections to be held touching the issue of the bonds and coupons in this act mentioned; the issuing of such bonds and the levy and collection of the taxes to pay the same: *provided*, that such regulations, rules and ordinances shall not be inconsistent with any of the provisions of this act.

Authority to corporations.

SECTION 20. This act shall be a public act, and shall be liberally and favorably construed to effect the objects of the same; and all acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

Repeal.

SECTION 21. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1862.

CHAPTER 79.

AN ACT to change the name of the "first Congregational church at Neenah, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of the "first Congregational church and society of Neenah," is hereby changed to that of "the new school Presbyterian church and society of Neenah," by which last name it shall hereafter be known and called.

SECTION 2. All of the real and personal property now owned by "the first Congregational church and society of Neenah," shall hereafter belong to "the new school Presbyterian church and society of Neenah."

SECTION 3. This act shall take effect immediately after its passage.

Approved April 4, 1862.

CHAPTER 80.

[*Published April* 16, 1862.]

AN ACT relative to union school district No. 1, of the village of Geneva, Walworth county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundary changed.

SECTION 1. The north half of the south-east quarter of section twenty-three, embraced in the limits of union school district No. 1, of the village of Geneva, Walworth county, state of Wisconsin, is hereby detached from said union school district, and annexed to joint school district No. 2, of the towns of Geneva and Hudson.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 81.

[*Published April* 16, 1862.]

AN ACT to legalize that portion of the state road from the village of Markesan, in Green Lake county, to the town of Courtland, in Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That a certain state road, from the village of Markesan, in Green Lake county, to the town of Courtland, in Columbia county, is hereby declared to be a public highway, notwithstanding all the requirements of the law may not have been complied with in laying out and opening said road. Public highway:

SECTION 2. It shall be the duty of the president of the village of Markesan, and the chairman of the boards of supervisors of the towns of Mackford and Manchester, in the county of Green Lake, to meet at the village of Markesan, within sixty days, to hear and determine all applications for damages to the owner or owners of land through which this road passes, and they shall at such meeting make such awards as in their judgment shall be just and equitable, to be paid in each case by the town in which the land lies. Application for and award of damages.

SECTION 3. Said board shall, before entering upon their duties, take and subscribe an oath for the faithful discharge of their duties, and that they will make a just and equitable award according to the evidence submitted in each case. Oath.

SECTION 4. Said board shall give at least ten days' public notice of the time and place of such meeting, by posting not less than three notices in some public place in the village of Markesan, and the towns of Mackford and Manchester. Notice of meeting.

SECTION 5. Any person considering himself aggrieved by the award of said board, shall have the right of appeal, as is provided in section 61 of chapter 19 of the revised statutes. Appeal.

SECTION 6. This act shall not authorize said highway to be opened until said award has been made and the amount of such award has been tendered to the owner or owners of the lands through which said highway passes, without the consent of the owner. When road to be opened.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 82.

AN ACT to grant to the Milwaukee law library association copies of the laws, statutes, reports, journals and documents published by the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

One copy of each to be furnished.

SECTION 1. The secretary of state is hereby authorized and directed to deliver to the Milwaukee law library association, for the use of the same, one copy of all statutes, laws, journals, reports and documents of every kind heretofore published by the state of Wisconsin, or any of its officers or departments, which the state now has on hand for distribution; also, one copy of all such statutes, laws, journals, reports and documents of every kind hereafter published by the state or any of its officers or departments, or which the state shall have for distribution.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 83.

[*Published April* 16, 1862.]

AN ACT to legalize the state road from Wingville, in Grant county, to Viroqua, in Bad Ax county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Public highway.

SECTION 1. The state road laid out and established by a board of commissioners, under the act of the legislature of 1856, from Wingville, in Grant county, to

Viroqua, in Bad Ax county, is hereby declared to be a public highway, notwithstanding all the requirements of law may not have been complied with in lying out and establishing said road.

SECTION 2. It shall be the duty of the commissioners and the surveyor of said road, to cause to be forwarded to the secretary of state, the return and plot of said road, within sixty days after the publication of this act, in accordance with section ninety-five of chapter nineteen of the revised statutes. Return and plot.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 84.

[*Published April* 16, 1862.]

AN ACT to authorize the laying out and establishing of a state road from the city of Sheboygan, in the county of Sheboygan, to the west line of said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. C. T. Moore, Worthy McKillip, James Little, Hugh Jones and E. W. Stannard, citizens of Sheboygan county, Wisconsin, are hereby constituted and appointed commissioners to survey, lay out and establish a state road from the city of Sheboygan, through the towns of Sheboygan, Sheboygan Falls, Plymouth and Greenbush, to the west line of said county of Sheboygan; and the said commissioners are authorized to establish said road on the line of the Sheboygan and Fond du Lac plank road. The damages occasioned thereby shall be determined as provided by statute, as in other cases for laying out state roads. Commissioners. Where to be established, damages, &c.

SECTION 2. The said commissioners or a majority of them, shall meet at such places as a majority of them may designate, and proceed to lay out, view and establish said road; and they shall receive therefor, upon the completion of their labors, such reasonable compensation as the county board of supervisors of Compensation of commissioners.

Sheboygan county may deem just: *provided*, that no part of the expense of laying out and establishing said road shall be paid by the state.

Report to be filed.

SECTION 3. Said commissioners shall, as soon as practicable after the passage of this act, proceed to survey, lay out and establish said road; and shall, immediately after the laying out of said road, cause a report of their said survey to be made out and filed with the clerk of the board of supervisors of said county.

Repeal.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 85.

[*Published April* 16, 1862.]

AN ACT to amend an act entitled "an act to incorporate the Prairie du Chien and La Crosse railroad company," approved March 31st, 1856, and other acts relative thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Act revived and amended.

SECTION 1. Chapter 415 of the private laws of the year 1856, entitled "an act to incorporate the Prairie du Chien and La Crosse railroad company," approved March 31st, 1856, is hereby revived and in force, and is hereby amended by striking therefrom all the names therein mentioned as corporators, save and except the names of C. K. Lord, John M. Levy and T. B. Stoddard, and inserting in lieu thereof the names O. B. Thomas, T. N. Horton, N. S. Cate, E. D. Campbell, W. B. Merrell, M. M. Pomeroy, Hugh Cameron, H. Esperson, John Warner, B. W. Brisbois, Jacob McCreary and B. Pringle, as corporators of said company.

Corporators.

Rights, privileges, &c.

SECTION 2. The above corporators, their heirs and assigns, shall be entitled to all the franchises and immunities, rights and privileges, (incident to corporations,) which had inured or were granted to the said Prairie du Chien and LaCrosse railroad company by

the act to which this act is amendatory, or by or in an act incorporating the Mississippi valley and St. Croix railroad company, approved March 16, 1854, or in or by an act amendatory thereof, approved March 31st, 1855, purporting to incorporate the Prairie du Chien and La Crosse railroad company; and any and all payments made for or expenses incurred for the benefit of either of the said hereinbefore named railroad companies, shall be deemed and taken as so much paid in for the benefit of this corporation, and the amount thereof shall be placed to the credit of the person or persons to whom the same is due, as so much cash actually paid in toward their stock in this company.

Former payments.

SECTION 3. Section two of said act approved March 31st, 1856, is hereby amended by inserting the word "new" before the word "books," in the 4th line of said section; and is also amended by striking out the words "within three months from the passage of this act," where they occur in the 8th line of said section; and said section is still further amended by striking out the words "all the," where the same occur in [the] tenth line of said section, and inserting in said 10th line in lieu thereof, the words "one or more."

Sec. 2 amended.

SECTION 4. Section three of said act approved March 31st, 1856, is hereby amended by striking out the word "five," where it occurs in [the] third line of said section, and inserting the word "one" in lieu thereof; and is also amended by striking out the 23d, 24th, 25th and 26th lines of said section as surplusage, except that portion of the word "determine" embraced in said 23d line, and also except the word "and" at the end of the 26th line; and section five of said act is amended by striking out the word "for" in [the] 14th line thereof, and inserting the word "fix" instead thereof.

Sec. 3 amended.

SECTION 5. Section eight of said act approved March 31st, 1856, is hereby amended by inserting next after the word "company," where it occurs in the twelfth line of said section, the words "and also to make, construct and put in operation, branches of said road, starting at convenient points on the line thereof, and extending or running to any quarry or bluff within five miles of the aforesaid village (now city) of La Crosse;" and the said section eight is further amended by adding or inserting after the words "station houses," in 13th line of said section, the words "ferry houses;"

Sec. 8 amended.

and said section is still further amended by adding at the close thereof, the words "with power to consolidate the capital stock of this company with the capital stock of any railroad company, on such terms and conditions as shall be agreed upon by the directors of such companies respectively; and the company shall also have the right and privilege of running one or more boats or vessels on or across the Mississippi river, with such rates of freight or passage receivable therefor, as the common council of the city of La Crosse may determine; and in all actions or suits at law, the line of said road or either of the branches or any part or portion thereof, when completed, shall be taken, deemed and held to be a part of the track of said railroad."

Sec. 10 amended. SECTION 6. Section ten of said act approved March 31st, 1856, is amended by striking out the words "within three years from the passage of this act," in the 1st and 2d lines of said section, and inserting instead thereof the words "by the first day of January, A. D. 1866;" and said section is further amended by inserting next after the word "years," in the third line of said section, the word "thereafter;" and section fourteen is also amended by striking out the word "five" in the second line, and inserting the word "two" in lieu thereof.

Sec. 15 amended. SECTION 7. Section fifteen of said act approved March 31st, 1856, is hereby amended by erasing the whole thereof, and by inserting, to stand as said section fifteen, the following words: "John M. Levy, N. S. Cate, T. N. Horton, T. B. Stoddard, O. B. Thomas, E. D. Campbell, Hugh Cameron, Jacob McCreary and John Warner are hereby declared and constituted directors of said company, and they shall hold their places until others are chosen and qualified to act in their stead, at an annual meeting held in accordance with the by-laws of said company, anything in the act to which this act is amendatory, or any other act, to the contrary notwithstanding.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 86.

[*Published April* 16, 1862.]

AN ACT to amend chapter 308 of the general laws of 1860, entitled "an act to facilitate and authenticate the formation of a corporation, by the purchase of the Milwaukee and Mississippi railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter 308 of the general laws of 1860, entitled "an act to facilitate and authenticate the formation of a corporation, by the purchase of the Milwaukee and Mississippi railroad company," is hereby repealed. Repeal.

SECTION 2. This act shall not be construed as in any manner impairing or invalidating the articles of association of the purchasers of the Milwaukee and Mississippi railroad company, executed by L. H. Meyer, John Catlin, Allen Campbell, W. Schall and Louis A. von Hoffman, on the twenty-first day of January, 1861, and filed in the office of the secretary of state; and the said articles of association of the Milwaukee and Prairie du Chien railway company are hereby ratified and confirmed. Construction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 87.

[*Published April* 16, 1862.]

AN ACT to amend chapter 280 of the private and local laws of the state of Wisconsin, entitled "an act to amend an act to incorporate the La Crosse and Milwaukee railroad company," approved March 28, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all proceedings of commissioners to make appraisement of the value of lands, under and in Award of damages.

pursuance of said chapter 280, it shall be lawful for them, in making their award, to take into consideration the damages which the party whose land has been taken, may have sustained, as well as the value of the land taken.

Appeals.

SECTION 2. On the trial of all appeals taken from the award of such commissioners now pending, it shall be lawful for the claimant to recover in the circuit court such damages, as well as the actual value of the land taken.

SECTION 3. This act shall take effect from and after its passage.

Approved April 7, 1862.

CHAPTER 88.

[*Published April* 16, 1862.]

AN ACT to facilitate and authenticate the formation of a corporation, by the purchase of the Milwaukee and Chicago railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If M. and C. R. R. be sold on mortgage, the purchasers, if desirous of forming new corporation, may file certificate with secretary of state, &c.

SECTION 1. In case the railroad of the Milwaukee and Chicago railroad company, or any part thereof, shall be sold by virtue of any mortgage or mortgages, or deed or deeds of trust, either by foreclosure or other proceedings in law or equity, or by advertisement, in pursuance of a power or authority in any such mortgage or deed of trust contained, the purchaser or purchasers in any such case, his or their associates, successors or assigns, if desiring to form a corporation under or by virtue of the laws of this state, may file in the office of the secretary of state of this state, a certificate, specifying the name of the said corporation, the number of directors and their names for the first year, as designated in said certificate, or as elected by the said purchaser or purchasers, their successors, associates or assigns, which certificate shall be signed by the said purchaser or purchasers, or the survivor of them, or their or his successors or assigns; and upon the filing of any such certificate, the persons who shall

be named therein shall be a body politic and corporate, by the name stated in such certificate; and the said corporation shall possess all the privileges, powers, authorities and capacities acquired by the said purchaser or purchasers, or possessed by the Milwaukee and Chicago railroad company, by virtue of the charter of said company and of any law of this state; and shall likewise have power, by a vote of a majority in interest of the stockholders of the said corporation, and by instruments in writing, to assume any liabilities secured by any previous mortgage or mortgages to that under which said sale and purchase is made, with the restrictions and limitations hereinafter mentioned: *provided, however*, that nothing herein contained shall be construed to interfere with the rights of the city of Milwaukee under the mortgage held by said city upon said road.

Powers of such new corporation.

Rights of Milwaukee not interfered with.

SECTION 2. The stock basis of said mew [new] company, preferred and common, shall not exceed one million dollars; and the said corporation shall have power to issue as many classes of preferred stock as there are mortgage liens upon said road, and as may be agreed upon by those in interest, not exceeding in amount six hundred thousand dollars.

Capital — preferred stock.

SECTION 3. The preferred stockholders shall elect the directors under the new organization, until a dividend shall have been earned on all the shares of the said company, both preferred and common stock; and thereafter, all the shareholders of said company shall elect the directors, but said directors may, at any time after the organization of said corporation, by a vote of the board, admit the bondholders of the bonds secured by the first mortgage on said railroad, or any part or portion of them, to the privilege of a vote as stockholders in the choice of directors, at the rate of one vote for every one hundred dollars of principal of said bonds held by said bondholders respectively; and such privilege, when once granted, shall be irrevocable until said bonds shall be canceled by said company.

By whom directors to be chosen.

SECTION 4. The directors of the said corporation shall have no power to borrow money, or mortgage the said railroad, its franchises or any of its property, unless duly authorized by a vote of three-fourths of the preferred stockholders in amount; but such power or authority shall not be granted except at some general or special meeting of said preferred stockholders, of

Powers of directors.

which thirty days' notice shall be given, and of the object of said meeting.

Expenses of operating road.

SECTION 5. All expenses of operating said railroad shall be paid monthly from its earnings, before any of its earnings shall be applied to the payment of dividends to any of its stockholders; and when not sufficient to pay expenses, repairs and damages from any cause, the directors may call a special meeting of the stockholders, who shall provide the means to meet such expenses, repairs and damages; and in case they should provide said means by loans, no dividend shall thereafter be made to any of its stockholders until such loans are paid.

Approved April 5, 1862.

CHAPTER 89.

[*Published April* 16, 1862.]

AN ACT to extend the time of the charter of the Oshkosh and Wausau railroad company, approved March 6th, 1857, and an act amendatory thereto, approved March 26th, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time extended five years.

SECTION 1. All rights, privileges and immunities granted to the Oshkosh and Wausau railroad company by its charter, approved March 6th, 1857, and an act amendatory thereto, approved March 26th, 1861, are hereby extended to said company for the period of five years from the passage of this act, at which time the same shall cease and terminate, unless said company shall have thirty miles of said railroad in active operation (*by that time.*)

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 90.

[*Published April* 16, 1862.]

AN ACT to amend chapter two hundred and forty-eight of the private and local laws of the year 1858, entitled "an act to incorporate the Fond du Lac and Mississippi railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of this [the above] act is amended by striking out the names of Timothy L. Gillett, John C. Truesdale, John Bannister, A. G. Butler, Ezra Wheeler, Alezander W. Hackley of Berlin, G. W. Cate of Plover, H. S. Allen of Chippewa Falls, and Benjamin Allen of Hudson, St. Croix county, and by inserting instead thereof the names of James K. Scribner of Eldorado, Jerome Yates, George D. Curtis and Charles Pinkney of Rosendale, Joseph Scribner, jr., of Springvale, T. B. Robbins of the town of Ripon, William M. Taggart, Richard Catlin, D. P. Mapes of the city of Ripon. Section two is hereby amended by striking out the word "two" in the second line, and inserting the word "one;" also, by striking out the word "three" in the third line, and inserting the word "one." Section ten is hereby amended by inserting after the word "construction" in the second line, the words "at least twenty miles." Corporators. Sec. 2 amended. Sec. 10 amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 91.

[*Published April* 16, 1862.]

AN ACT to amend chapter 161 of the private and local laws of 1859, entitled "an act to incorporate the La Crosse, Viroqua and Muscoda railroad company," approved March 17th, 1859.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The first section of said act is hereby amended by striking out the word "Muscoda," in the Name changed.

twelfth line of said section, and insert [inserting] in lieu thereof the words "Dodgeville and Mineral Point."

Route changed.

SECTION 2. The second section of said act is hereby amended by striking out the word [words] "Muscoda, in Grant county," in the 11th line of said section, and insert [inserting] in lieu thereof the words "Mineral Point, in Iowa county;" and said section is further amended by striking out the words "or Arena, in Iowa county, or some point between said Muscoda and Arena, on the line of the Milwaukee and Mississippi railroad," in the 12th, 13th and 14th line [lines] of said section. Said section is further amended by striking out the words "on the line of the said Milwaukee and Mississippi railroad," in the 16th and 17th lines, and [inserting the words] "thence to Dodgeville and Mineral Point, in Iowa county," and by striking out the word "ten," in the 21st line of said section, and inserting in lieu thereof the word "three."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 92.

AN ACT to change the name of James Patterson to Charles Ransier, and to declare him the heir at law of Joseph Ransier and Adeline Ransier.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of James Patterson, an infant, aged about two years, and now bound to Joseph Ransier, of the town of Hancock, Waushara county, Wisconsin, is hereby changed to that of Charles Ransier, and by the last mentioned name he shall be known and recognized.

Assent to be executed and recorded.

SECTION 2. The aforesaid Joseph Ransier shall, within thirty days next after the passage of this act, cause the written assent of himself and of Adeline Ransier, his wife, to the provisions of this act, to be executed and acknowledged, and cause said written assent and a copy of this act to be recorded at length in

the registry of deeds of said county of Waushara; and from thenceforth the said Charles Ransier shall be taken and held to be the child and heir at law of the said Joseph Ransier and Adeline Ransier, and as such shall be as capable of inheriting and taking by descent the property, real, personal and mixed, of the said Joseph and Adeline, and of each of them, as if he were their natural child; and the same obligations, duties and liabilities for support, maintenance, nurture, control and obedience, shall devolve upon the said parties, respectively, as though they were natural parents and child. Effect.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 93.

AN ACT to authorize Leopold Kottman to purchase certain real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Leopold Kottman is hereby authorized, agreeably to the provisions of chapter 29 of the revised statutes of Wisconsin, now in force, so far as the same are applicable, to prove up his right to, and purchase of the state, the N. ½ of the northwest quarter, and the S. W. ¼ of the N. E. ¼ of section 27, in township 17 north, of range 7 west of the 4th principal meridian, at any time hereafter, and ten days previous [previously] to the same being offered at public sale. Authority.

SECTION 2. The price at which he shall purchase said land shall be the minimum price of school and swamp lands as now established by law. Price.

SECTION 3. This act shall take effect from and after its passage.

Approved April 5, 1862.

CHAPTER 94.

AN ACT to authorize Crescent lodge number 97, free and accepted masons, to receive conveyance of real and personal estate in the town of Mazo Manie, Dane county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. Crescent lodge number 97, of free and accepted masons, located at the village of Mazo Manie, Dane county, is hereby authorized and empowered to purchase any real or personal estate in the village of Mazo Manie, and hold the same in the name of said Crescent lodge, to its use, its successors and assigns, and may receive a deed or deeds therefor, conveying such estate in fee to said lodge, its successors and assigns: *provided*, the estate so purchased shall not exceed in value, in the aggregate, the sum of three thousand dollars.

Limits to value.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 95.

[*Published April* 16, 1862.]

AN ACT to amend chapter 31 of the private and local laws of 1862, entitled "an act authorizing A. J. Gleason and John D. Ferrill to keep a ferry across the Wisconsin river, in Grant and Crawford counties."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right.

SECTION 1. Strike out section one of chapter 31 of the private and local laws of 1862, and insert in lieu thereof the following: "H. J. Gleason and John D. Ferrill, their heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of ten years, of keeping and maintaining a power ferry across the Wisconsin river, on section twenty-two, in town eight north, of range three west, in

Grant and Crawford counties; and shall also have the privilege of landing upon section twenty-seven, town eight north, of range three west, in high water or other case of necessity."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 96.

[*Published April* 16, 1862.]

AN ACT to authorize Carlile Doble to maintain a ferry across the St. Croix river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That Carlile Doble, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of fifteen years, of keeping and maintaining a ferry across the St. Croix river, in the county of Polk, from a point in section number 32, township number 36 north, of range number 20 west of the fourth principal meridian, and no ferry shall be established within two miles of said ferry, above or below, on said river. Exclusive right.

SECTION 2. That said Carlile Doble or his legal representatives, shall at all times keep a safe boat, in good repair, for the accommodation of all persons wishing to cross said ferry, and shall give prompt and ready attendance for crossing said ferry; but persons crossing said ferry between the hours of 8 P. M. and 5 A. M. may be charged double the fare, as hereinafter prescribed. To keep safe boat, &c. When double fare may be charged.

SECTION 3. The rates charged for said ferry shall not exceed the following: For each foot passenger, 15 cents; for each horse, mare or mule, with or without a rider, 30 cents; for each two horse, two ox or two mule team, loaded or unloaded, 75 cents; for each single horse carriage, 50 cents; for each additional horse, mule, ox or cow, 20 cents; for each swine or sheep, 10 cents; all freight, merchandise or other articles not in teams, at the rate of ten cents per one hundred pounds, Tariff for first year.

and 75 cents per one thousand feet for lumber: *provided*, that the tariff for crossing said ferry as regulated by this section, shall exist only for the term of one year from and after the passage of this act; and the said Carlile Doble shall receive thereafter, during said term of fifteen years, such tariff as the board of supervisors of the county of Polk shall from time to time establish.

Subsequent tariff to be fixed by board of supervisors.

To file bond.

SECTION 4. The said Carlile Doble shall, within one year after the passage of this act, file or cause to be filed with clerk of the court of the county of Polk, a bond, with two or more sufficient sureties, to be approved by said clerk, in the penal sum of five hundred dollars, conditioned that he will fulfill all the duties that are imposed upon him pursuant to the provisions of this act.

Forfeiture:

SECTION 5. For every neglect in keeping a good and sufficient boat, or to give prompt and ready attendance, the said Carlile Doble shall forfeit a sum not exceeding five dollars, to be recovered by civil action, before any court having competent jurisdiction.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 97.

[*Published April* 16, 1862.]

AN ACT to authorize John A. Daniels to keep and maintain a ferry across the Mississippi river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exclusive right.

SECTION 1. John A. Daniels, his heirs, executors, administrators and assigns, shall have the exclusive right and privilege, for the period of fifteen years, of keeping and maintaining a ferry across the main channel of the Mississippi river at the village of Trempeleau, [Trempealeau,] in the county of Trempeleau, [Trempealeau,] and state of Wisconsin, and within one mile of said point, up and down said river.

SECTION 2. The said John A. Daniels, his heirs, executors, administrators and assigns, may land their boats, passengers and property an any public highway which may terminate within the points above specified, or on the lands of any person or persons owning the same, having first procured their permission so to do. Where passengers may be landed.

SECTION 3. The rates charged for crossing at said ferry, shall not exceed the following rates: For each foot pasenger, fixteen cents; for each horse or mule, with or without rider, forty cents; for each two horse, two ox or two mule team, loaded or unloaded, with driver, seventy-five cents; each single horse carriage, with passenger, fifty cents; each swine or sheep, five cents; for neat cattle, per head, ten cents; all freight or merchandise, or other articles not in teams, at the rate of twenty-five cents per hundred weight, and fifty cents per thousand feet of lumber. Persons or property crossing said ferry at night, may be charged double the rate hereinbefore mentioned. Tariff.

SECTION 4. If the said John A. Daniels, his heirs or assigns, or any ferryman employed by them, shall take or receive any greater or higher rate of ferriage for transporting persons or property, of any kind whatever, than is allowed by this act, any person so offending shall forfeit and pay for every such offense the sum of ten dollars, to be recovered, with costs of suit, before any justice of the peace within the state, and for the use of any person who shall sue therefor. Penalty.

SECTION 5. If any other person or persons shall, after the establishment of the said ferry, set up or keep or maintain any ferry, or shall carry any person, goods or chattels for hire or pay, across the Mississippi river, from or to any place on the Wisconsin side or shore of said river, within the points above specified, every such person shall, for every such offense, forfeit and pay the sum of ten dollars, to be recovered as aforesaid, by and for the use of any person who shall sue for the same: *provided*, that nothing herein contained shall be deemed or construed to prevent any person who resides within the limits aforesaid, on the east bank of said river, from the right of making use of their [his] own boats, in transporting themselves [himself] and property across the same, at pleasure. Ibid. Proviso.

SECTION 6. It shall be the duty of John A. Daniels, his heirs and assigns, at all times within reasona- To keep ferry in good repair, &c.

ble hours, to keep such ferry hereby authorized, in good condition and repair for the transportation of persons and property, and shall use and employ the same at such times, for the purposes herein expressed.

Repeal.

SECTION 7. Chapter one hundred and eighteen of the private and local laws of 1859, and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed: *provided*, that the ferry hereby authorized shall be subject to such rules or regulations as other ferries are or may be by law.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 98.

[*Published April* 16, 1862.

AN ACT to repeal sections three and four of chapter three hundred and sixty of the private and local laws of the year 1857, being an act to authorize B. F. Philips and his associates to maintain a dam across the Little Wolf.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Sections three and four of chapter three hundred and sixty of the private and local laws of the year 1857, being an act entitled "an act to authorize B. F. Philips and his associates to maintain a dam across the Little Wolf," is [are] hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 99.

[*Published April* 22, 1862.]

AN ACT to authorize the bank of Beloit to reduce its capital stock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The Bank of Beloit is hereby permitted to reduce its capital stock to a sum not less than twenty-five thousand dollars, ($25,000,) upon filing with the bank comptroller a certificate from the secretary of state that the said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which said capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller.

May reduce capital stock.

Proviso.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

Certificate to be filed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 100.

[*Published April* 22, 1862.]

AN ACT to incorporate the Apple river boom company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. Silas Staples, John O. Henning, Moses S. Gibson, Isaac Staples, William Graves, Harrison B. Knight and their associates, successors and assigns, are hereby made and constituted a body corporate and politic, for the purposes hereinafter mentioned, by the name of the "Apple river boom company," for the term of twelve years; and by that name they and their successors shall be, and they are hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, prosecute and defend, answer and be answered, in any court of record within this state or elsewhere; and to purchase and hold any estate, real, personal or mixed, and the same to grant, sell, lease, mortgage or otherwise dispose of, for the use and benefit of said company; to devise and keep a common seal; to make and enforce any by-laws not contrary to the constitution or laws of the United States or of this state, and to enjoy all the privileges, franchises and immunities incident to a corporation.

Name and powers.

Capital stock.

§ 2. The capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each, and the board of directors shall have power at any time, whenever a majority in value of the stockholders shall deem the same des [desirable,] to increase the said capital stock to an amount not exceeding in the whole fifteen thousand dollars; and the stockholders shall be individually liable for the debts of and demands against said company, to the amount of double the par value of the stock held by them in said company.

Individual liability.

Opening books of subscription.

§ 3. Any three of the individuals named in the first section of this act, shall be authorized to cause books to be opened at Hudson, in the county of St. Croix, for the purpose of receiving subscriptions to the capital stock of said company, first giving ten days' notice in the "Hudson North Star," a newspaper published at Hudson, in the county of St. Croix, of the time and place of opening such books.

§ 4. Whenever five thousand dollars of capital stock shall have been subscribed, and twenty dollars upon each share so subscribed for shall have been actually paid in, any number of the subscribers who shall represent a majority in value of the then subscription to said stock, shall be authorized to call a meeting of the several subscribers thereto, by giving five days' notice of the time and place of such meeting, in any newspaper published in said county of St. Croix; and those of the subscribers who may be present at such meeting so called, shall have the power and be authorized to elect a board of three directors from the stockholders of said company. When board of directors may be chosen.

§ 5. The board of directors so chosen shall then meet and proceed to elect one of their number president of said company, and shall elect one person, being a stockholder of the company, secretary, who shall perform the duties of both secretary and treasurer of said company, and who shall, before entering upon the duties of said office, give a bond to said company with one or more sureties to be approved by the board of directors, in the penal sum of five thousand dollars, conditioned for the faithful discharge of all the duties required of him in said office; and at such first meeting of said board of directors, they shall prepare and adopt a code of by-laws for the government and regulation of the affairs of said company, which by-laws may be altered or amended at any subsequent regular meeting of said board. President and secretary. By-laws.

§ 6. The president, directors and secretary chosen according to the provisions of the two preceding sections, shall remain in their several offices until the second Tuesday in January, 1863; and on that day the first annual meeting of the stockholders of said company shall be held, and a board of three directors chosen, which board shall then proceed and elect a president and secretary, as provided in section five, for the year then next ensuing. Term of office of officers.

§ 7. The annual meeting of stockholders and of the board of directors, shall be held on the second Tuesday in January, in each year, and the several officers for the year shall then be chosen; and the regular term of all the officers of said company shall be one year, commencing on the second Tuesday in January, of each year: *provided*, that each of said officers shall continue to discharge the duties of his office until his successor Annual meeting.

Vacancy.

shall be elected and qualified; *and provided, also*, that if any vacancy shall occur in any office by reason of death, resignation or otherwise, the board of directors shall have power to fill such vacancy for the remainder of the term.

Meetings of stockholders.

§ 8. The president of said company shall have power to call a meeting of the stockholders at any time, by giving five days' notice of the time and place of such meeting in one newspaper published in the county of St. Croix, and in one newspaper published at Stillwater, in the state of Minnesota. Any two of the directors, or a majority in value of the stockholders, shall have the like power to call such meeting in the like manner; and the duties of the several officers of said company, not specifically set forth in this act, shall be specified in the by-laws adopted by the board of directors.

Powers of directors.

§ 9. The board of directors shall meet at such times and places in this state as they shall prescribe in said by-laws. They shall fix the compensation of all the officers of the company, and define their duties not herein defined, and shall, by said by-laws, regulate the government of meetings of their own board and of the stockholders, and, generally, shall have power to do all acts for the benefit and purposes of said company, and have the management of its affairs.

Duty of secretary.

§ 10. The secretary shall attend all meetings of the board of directors and of the stockholders, and shall keep a true record of all the proceedings at such meetings. He shall be the keeper of the funds, and shall receive and disburse, upon the written order of the directors, and not otherwise, all the money and funds of said company, and shall keep a correct account of all such receipts and disbursements, and of the financial affairs of said company, which record and account shall at all times be open to the inspection of any stockholder of the company: *provided*, that before any person elected such secretary shall enter upon the duties of said office, he shall give a bond to the company, as prescribed in section five, a copy of which bond shall be entered in the record books of said company, and the original be delivered to the president for safe keeping.

To give bond.

Election of directors and president.

§ 11. Every share shall be entitled to one vote, and at any meeting for the choice of directors, the three stockholders having the highest number of votes cast,

shall be elected directors; and at the meeting of the board of directors for the choice of president, the director having the highest number of votes cast, shall be elected president: *provided*, that at any meeting of the stockholders, a majority in value of the stock shall constitute a quorum, and at any meeting of the board of directors, any two of the directors shall constitute a quorum for the transaction of business. Quorum.

§ 12. The said company shall be and is hereby authorized and empowered to construct, maintain and keep in repair, a boom at and across the mouth of Apple river, and along the east side of the river St. Croix, between the south line of section one, in township thirty north, of range twenty west, and the north line of section twenty-nine, in township thirty-one north, of range nineteen west, over any part or the whole of the distance within the points named, as shall be required for the purposes of said company, and which shall be called the "Apple river boom," and shall be constructed and ready for use on or before the 10th day of June, 1862. Into said boom all logs and the timber floating down said Apple river, shall be gathered and secured by said company, and all such logs and timber shall be turned out of said boom within thirty days after the same shall come into the possession of said company, unless otherwise agreed between the owners of such logs and timber, and said company. Company may construct boom, &c.

§ 13. In turning such logs and timber out of said boom, the company shall assort and raft the same in rigging, rafting those of each mark separately, unless the owners thereof shall otherwise direct; and such logs and timber shall be so rafted in brills [cribs] of not less than fifteen pieces each, and when made ready for delivery to the owners, shall be secured at or near the foot of said boom in such manner that the same may be conveniently removed by the owners thereof. Company to assort logs, &c.

§ 14. In the spring of the year, and at all other times when there is not less than five hundred thousand feet of logs and timber then in said boom to be turned out, before such logs and timber shall be turned out, the company shall give five days' notice of the time when they will commence turning out the same, by posting up a written notice thereof in a conspicuous place at the outlet of said boom, and at the boom house of the company, if they have one. The owners of all Notice of turning out logs. Owners to take logs away.

logs and timber turned out of said boom, and made ready for delivery to such owners, as prescribed in this act, shall receive and take away all such logs and timber within thirty-six hours after the same are made ready for delivery, except they are retained by right of the company to retain the same for boomage as hereinafter provided; and if any such logs or timber shall not be taken away by the owner thereof, within the time above provided, the company may remove the same to some secure place, between the foot of said boom and the head of Lake St. Croix, and there hitch them up with the usual fastenings, and thereafter the company shall not be responsible for the safe keeping of the same; and for so removing and securing such logs and timber, the company shall be entitled to receive and collect in the manner herein prescribed for the collection of boomage, the sum of five cents for each piece so removed.

If logs, &c., not taken away, company may remove them, and charge therefor.

§ 15. All logs or timber floating or coming down said Apple river shall, for all the purposes contemplated by this act, be taken and deemed to be in the possession of said company, when the same shall have floated down past the east line of section twenty-nine, in township thirty-one north, of range nineteen west, and from thence until the same are turned out of said boom and delivered to the owners thereof, or removed and hitched up, as before provided; but all persons driving logs or timber into said boom, shall be required to drive the same down to the main jam in the boom; and the company shall be responsible for the safe keeping of all such logs or timber so driven, until the same shall be turned out of said boom and delivered to the owners thereof, or removed and secured as before provided.

Logs, &c., deemed in possession of company.

Responsibility of company.

§ 16. The said company is hereby authorized to charge, receive and collect fifty cents boomage per thousand feet, board measure, for all logs and timber turned out, assorted, rafted and made ready for delivery, according to the provisions of this act; and the said boomage shall be due and payable when such logs or timber is so made ready for delivery, and if not then paid, the said company may then, or at any time thereafter, before the payment thereof, take, have and dispose of, as their absolute property, a sufficient quantity of such logs or timber to pay the boomage due thereon,

Boomage.

computing and accounting for the logs or timber so taken, at the then usual cash price for the like quality on the Lake St. Croix; and for all boomage due on any logs or timber which has been made ready for delivery and delivered, in pursuance of the provisions of this act, the said company shall have a lien on all other logs or timber of the same mark then in their possession, or which may thereafter come into their possession; and may take, have and dispose of, as their absolute property, a sufficient quantity thereof, as in this section provided, to pay all boomage due on such mark of logs or timber: *provided*, that if said company shall voluntarily allow any logs or timber to be removed from their possession, they shall have no right, under this act, to repossess themselves of the same logs or timber for boomage or other charge.

Lien.

May sell logs, &c., for boomage.

§ 17. Before any logs or timber turned out of said boom, and otherwise made ready for delivery according to the provisions of this act, shall be delivered to the owners thereof, the said company shall at their own expense, cause the same to be scaled by some person authorized by law to scale such logs and timber, unless the company and the owners of the logs and timber being turned out, shall mutually agree, in writing, that some certain other person shall scale the same; and said company shall collect their boomage according to the scaling here provided for.

Logs, &c., to be scaled

§ 18. Whenever any logs or timber shall come into said boom, the said company shall, without unnecessary delay, proceed to turn out and make the same ready for delivery to the owners thereof; and when such logs or timber shall be cleared of any claim for boomage, or charge for removal, under the provisions of this act, the company shall, on demand, deliver the same to the owner or other person authorized to receive and receipt therefor. The said company, in the exercise of the powers and discharge of the duties created by this act, shall be bound to the use only of reasonable skill, care and diligence, and for the want thereof they shall be answerable in damages to the party injured thereby.

Turning out and delivery of logs, &c.

§ 19. In a book, to be kept by them for that purpose, the said company shall keep a correct account, in writing, of the number of pieces and the quantity of each particular mark of logs or timber turned out of said boom, and to whom delivered; and at the time of

Account of logs, &c., turned out.

delivering such logs or timber to any person, the company shall be entitled to demand and receive from such person, a receipt in writing therefor; otherwise, the delivery need not be made.

Mark book, &c.

§ 20. The said company shall keep in some convenient place "a mark book," in which any person having logs or timber in said boom, or about to come into the same, may cause to be entered the mark of such logs or timber, with the name of the original owner thereof; and any person claiming such logs or timber under such original owner, may, upon showing to the company legal authority for such claim, have a memorandum of the source thereof noted in said book, with a reference to the mark, and said company shall be protected in delivering any logs or timber turned out of said boom to the person who by said book shall appear to be the owner, or entitled to receive the same; and in case the ownership of any such logs or timber is unknown to said company, or there shall be any dispute between other persons as to the right to receive the same, the company shall be protected and discharged by delivering such logs or timber to the person who, upon reasonable inquiry by the company, shall appear to them to be entitled to the possession thereof.

To whom logs, &c., may be delivered.

Rigging.

§ 21. All rigging used in rafting logs, as provided in this act, shall be of a good quality of half inch rope, and shall become and remain the property of the owners of the logs on which it is used and fixed in rafting the same.

Occupancy of lands.

§ 22. The said company shall have the right to enter upon, take and occupy any land that may be necessary for the proper conducting of their business, as herein required; but before they shall have a right to take or occupy such land, they shall procure a license from the owner to enter thereon, or they shall lease or purchase the same; and if the company and the owner cannot agree upon the terms of such license or lease, then the company shall purchase such land; and if the company and the owner of such land cannot agree upon the purchase price thereof, the matter shall be referred to three disinterested men, one of whom shall be chosen by each of the parties aforesaid, and the third of [by] the two thus chosen, if the parties cannot themselves agree upon such third referee; and the three referees thus chosen, after being duly sworn to hear and decide

If parties cannot agree, referees may be chosen.

Duty of referees.

impartially and justly in the premises, shall, upon ten days' notice in writing to the said parties, proceed personally and together to view such tract of land, and assess the value and price of such land to be paid therefor by the company; and shall, without delay, give notice in writing to each of the parties, of the valuation and price by them so assessed on such land. Upon paying or tendering to the owner the price so fixed, the company may enter upon and occupy such land; and if the owner accept the price so paid or tendered, the company shall be immediately entitled to a deed of conveyance of the land from the owner; but if either party shall be dissatisfied pith the price so fixed, such party may, within twenty days after notice of such assessment, appeal to the circuit court of the county where the land is situated, by serving notice, in writing, of such appeal on the other party, and filing the notice of assessment and appeal in the office of the clerk of said court in such county; and thereupon the said court shall have jurisdiction of the proceeding, and shall proceed to try the issue of the value of such land by jury, upon the same notice and in the same manner as other issues of fact, and the finding of the jury shall be final; and upon paying or tendering to the owner, in full, the amount found by the jury, the company shall be entitled to a deed of conveyance of the land, and said court shall render judgment on the verdict to that effect.

Appeal.

When company entitled to deed.

§ 23. The expense of the reference provided for in the last section, shall be borne by the company, and the expense of the appeal and the proceedings in court, shall be borne by the losing party, to be determined by the finding of the jury, whether it be greater or less than the assessment appealed from. If the finding of the jury be the same as the assessment, the expense shall be borne by the appellant.

Expense of reference.

§ 24. If the owner of any land necessary to the use of the company, and to be occupied by them for the purposes contemplated by this act, shall, for the term of ten days after notice and demand in writing by the company, refuse or omit to join in the reference provided for in section twenty-two, or having joined in such reference, shall at any time thereafter refuse or omit to carry out the same, according to the spirit of

If owner refuse to join in reference, company may enter upon and occupy, &c.

this act, the company may thereupon enter and occupy such land, and the owner thereof shall be left to his action at law, to ascertain, in a trial by jury, the value of such land at the time of the entry by the company; and when such value of the land shall be so ascertained, the company, upon paying or tendering the amount to the owner, shall be entitled to a deed of conveyance of the land.

Prize logs.

§ 25. All logs bearing no mark, generally known as prize logs, driven or floating into said Apple river boom, shall become and be the property of said boom company.

§ 26. This act shall take effect and be in force from and after its passage.

Approved April 7, 1852.

CHAPTER 101.

[*Published April* 16, 1862.]

AN ACT to incorporate the Fond du Lac, Springvale and Rosendale plankroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. That J. M. Taylor, E. Beeson, S. B. Amory, G. F. Wheeler, A. Jameson, A. B. Pease, A. C. Whiting, W. L. Vincent, N. P. Stevens, J. O'Riley, James K. Scribner, Henry Wright, Thomas B. Hill, W. H. H. Dodd and Joseph Scribner, Jr., be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Fond du Lac, Springvale and Rosendale plankroad company, hereby incorporated; and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving fourteen days' notice of the times and places of receiving such subscriptions, by publishing the same in one or more newspapers printed in Fond du Lac county.

May open books of subscription.

SECTION 2. The capital stock of said company shall be fifteen thousand dollars, in shares of twenty-five dollars each; and as soon as two hundred shares of the capital stock shall be subscribed, and five per cent. of the amount thereon actually paid in or secured to the said company, the subscribers of such stock, with such other persons as they shall thereafter associate with them for that purpose, their successors and assigns, shall be, and they are hereby created and declared, a body corporate and politic, by the name, style and title of the "Fond du Lac, Springvale and Rosendale plank-road company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, bargaining and conveying estates, real, personal or mixed, in their corporate name, may sue and be sued, may have a common seal, which they may alter or renew at pleasure, and, generally, may do all and singular the matters and things which an incorporated company may by law do.

Capital stock.

Style and powers.

SECTION 3. The said commissioners, or a majority of them, after said two hundred shares of stock shall have been subscribed as aforesaid, shall give at least fourteen days' notice in one or more newspapers of the said county of Fond du Lac, of the time and place of meeting of the stockholders, for the purpose of electing seven directors, who shall hold their offices until their successors are elected; and annually thereafter, upon the anniversary of the first election, upon notice of the place of the meeting being given by the directors then in being, being published in one or more of the newspapers in the county aforesaid, to be designated by the said directors, the said stockholders shall meet to elect directors: *provided*, that until the first election of directors, the said commissioners above named, upon the subscription of two hundred shares of stock, and the organizing of said commissioners by the election by them of one of their number president, shall have all the powers and perform all the duties of a board of directors for said company, and the corporate existence of said company shall be taken and held to have begun and be complete, as if a regular election of directors had taken place; and in case of a vacancy at any time happening in the board of directors, or in the said board of commissioners acting in the capacity of directors, the board shall have power to fill such vacancy.

Election of directors.

Powers of commissioners.

Management.

SECTION 4. The affairs of said company shall be managed by the directors, who shall be stockholders, and be chosen by ballot by the stockholders in person, or by proxies duly authorized; and in all elections and in the discussion of all questions acted upon at any meeting of the stockholders, each share of stock shall be entitled to one vote, and a majority of the votes cast shall govern, except in elections, where the five persons having the greatest number of votes cast for directors, shall be declared duly elected.

Quorum and officers.

SECTION 5. A majority of said directors shall form a quorum for the transaction of all business, and shall organize by choosing one of their number president; and they shall have power to appoint a secretary and treasurer, and such other officers and agents as they shall deem fit, and may fix their compensation, and may demand adequate security for the performance of their respective trusts, and may remove said officers and revoke the powers of such agents at pleasure. They shall also have power to make all necessary and proper by-laws, rules and regulations for the management of said company, the subscription of stock, the payment of installments thereon, the assignment and transfer of stock certificates, and prescribing the duties of officers; all of which by-laws, not inconsistent with the constitution and laws of this state, when duly recorded in the books of the company, shall be effectual and binding upon the members of said company, and all persons interested therein, as if the same formed a part of this act of incorporation.

Further powers.

Installments.

SECTION 6. The said board of directors shall also have power to decide the time and manner in which said stockholders shall pay installments upon their stock, and to declare the forfeiture of said stock and all prior payments thereon, for failure to pay such installments as may be called for, and also to adopt, in behalf of the company, a relinquishment of any stock subscribed, and execute to the person or persons relinquishing the same, valid releases, discharging them from all liabilities thereafter for or on account of the acts of said company or its officers.

Toll, certificates, &c.

SECTION 7. The said directors shall have power to regulate tolls, and to make such covenants and contracts in the name and under the seal of said company, with any person or persons, as the execution and man-

agement of the work and the convenience and interest of the company may require; and may issue to each stockholder a certificate or certificates for the shares which he, she or they shall subscribe for, stating in the body of such certificate or certificates, the amount paid on such share at the time of the issuing of such certificate or certificates, which certificate or certificates shall be signed by the president and countersigned by the secretary of said company, and which certificate or certificates shall be transferable in the manner prescribed by the by-laws of said company.

Location of road.

SECTION 8. The said company shall have power to locate and construct a single or double track road, from such a point on Forrest street, in the city of Fond du Lac, as the directors will determine, with the consent of the city council, running thence westwardly to such point in the town of Metomen, all in the county of Fond du Lac, as the said directors may determine, and at such point or points, and by the most eligible and practicable routes, as the directors shall decide. The said company shall also have power to extend the said road, and to build branches therefrom, whenever they may deem it expedient, and to increase the capital stock to one hundred thousand dollars. The track of said road shall be constructed of plank, stone, gravel or charcoal, or either, in whole or in part, each at the option of the directors, so that the same, when completed, shall constitute a firm, regular and proper surface for the passage of wagons and carriages.

Company may extend road and increase capital stock.

May enter upon lands, &c.

SECTION 9. It shall and may be lawful for said company, their officers, engineers and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said plankroad, doing thereto no unnecessary damage; and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of and use such lands, not exceeding four rods in width, along the line of said route, subject, however, to the payment of such compensation as the company may have agreed to pay therefor, or as will be ascertained in the manner hereinafter directed: *provided*, that in such places as may be necessary for the company to obtain gravel and stone, or to make excavations and embankments for the construction of said road, the

Width.

company may locate the route of said road, not to exceed six rods in width, and they may also cut down such trees on each side of said road as may endanger said road by falling or otherwise: *and provided, further*, that the said company shall pay the compensation herein referred to, previously to taking possession of or using such lands.

Compensation.

If parties cannot agree, damages may be determined by jury.

SECTION 10. When the said corporation shall not agree with the owner or owners of any land, gravel, stone or other material required for the construction of said road, for the purchase thereof, or for the compensation to be paid therefor, or when, by reason of the absence or legal incapacity of the owner or owners, no such agreement or purchase can be made, then, and in any such case, it shall be lawful for any justice of the peace to issue a warrant, directed to the sheriff or any constable of said county, not directly interested, requiring him to summon a jury of nine freeholders of said county, not interested in said property, to meet the said justice at some convenient place, at or near the property to be valued, on a day in said warrant named, not less than five nor more than ten days from the date of the warrant; and if, at the time and place named, any of the persons so summoned do not attend, the said sheriff or constable shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of nine jurors; and from them the said company, or [and] the owner or owners of the property to be valued, their agent or attorney, or either of them, and if they are not present in person or by attorney, the sheriff or constable shall, for him, her or them, strike off each two of said jurors, and the remaining five shall act as a jury of inquest of damages. Before they act as such, the said justice of the peace shall administer to each of them an oath or affirmation, that they [he] will faithfully and impartially value the land and material required of such road, and all damages which the owner or owners shall sustain by reason of the construction of said road, taking into consideration the advantages the same will be to the owner or owners, according to the best of his skill and judgment; whereon the said justice and the jurors shall proceed to review the said land or materials so required, and hear the evidence of the respective parties, which the said justice shall reduce to writing, which shall be signed by

the said justice, and the verdict of the said jury thereon shall be signed by the jurors, or a majority of them, and by the justice of the peace; and the said justice of the peace shall, within five days thereafter, transmit the same to the clerk of the circuit court of the proper county, who shall file the same. Such inquisition shall describe the property taken or to be taken, or the boundaries of the land in question, and the value thereof as aforesaid; and such valuation, when paid, together with the cost of such inquisition, or tendered to the owner or owners, or deposited with the said court, shall entitle the said company to the estate and interest in the same thus valued, as if it had been conveyed by the owner or owners thereof, so long as the land thus valued and taken shall be used for the track of said plankroad: *provided*, that it shall not be lawful for any justice and jury of inquest to proceed in the valuation of any such property or material, in the absence of the owner or owners thereof, his, her or their legal representatives, unless it be made to appear by affidavit, that such owner or owners have had at least five days' notice of the time and place of meeting for the purpose of making such valuation, or unless it shall in like manner, be shown that such owner or owners are under age, or *non compos mentis*. Such service of notice may be made upon the guardian or trustee, under the same restrictions as in the case of owners, or if there be no guardian or trustee, the same shall be established by affidavit: *provided*, that no such materials shall be taken if the jury shall decide that the same are essential to the owner or owners thereof.

Proviso.

Service of notice.

SECTION 11. Whenever the route of said road follows the line of any public highway, the said company shall not take possession of the said highway until the commissioners of highways for the town through which it passes, shall give them [their] written consent, which shall be recorded in the town clerk's office; or if the said commissioners refuse to give their consent, then the damages to the town shall be appraised for each highway so taken or ascertained, as in the case of private property, and the amount so appraised for each highway so taken, shall be paid to said commissioners of the town to which it belongs; and they may erect toll gates and exact toll from persons traveling on their road, when three consecutive miles are finished, or when

Company may take possession of any highway or route, on payment of damages.

Toll.

the whole road is completed, not exceeding two cents per mile for every vehicle, sled, sleigh or carriage drawn by two animals, and if drawn by more than two animals, one cent per mile for every additional animal; for every sled, sleigh or carriage drawn by one animal, one cent per mile, and for every horse and rider or led animal, one cent per mile, and for every score of neat cattle, four cents per mile, and for every score of sheep or swine, one cent per mile: *provided*, that persons going to and from military parade, at which they are required by law to attend, and persons going to or returning from funerals or religious worship on Sunday, shall be exempt from tolls. The toll-gatherer at each gate, when erected on said road in pursuance of this act, may detain and prevent from passing such gate any animal or carriage subject to toll, until the toll thereon is paid.

When persons exempted from toll.

May be detained.

May receive real or personal security in payment of stock.

SECTION 12. The said directors may receive from any stockholder in said company, in lieu of money for the stock subscribed by him, real or personal property, with the approval of said board of directors; and upon the acceptance of such security from said stockholders, or any of them, the subscription of said stockholders shall be considered as paid, and certificates of stock shall be issued to said stockholder in the same manner as if he had paid in the full amount of his subscription in money; and it shall be competent for said stockholders paying their subscription to said stock in securities as aforesaid, to contract and to pay to said company, interest at the rate of ten per cent. per annum for a period not exceeding twelve years, and to execute to said company, by its corporate name, bonds, mortgages or notes for such stock, which shall be available for the use and benefit of said company and for all subsequent holders thereof, and be transferable by them in the same manner as if the same were made payable to individuals, or to their orders or assigns.

Willful injury to road, &c.

SECTION 13. If any person shall willfully or knowingly obstruct, break, injure or destroy the said road to be constructed by said company, or any part thereof, or any work, buildings or fixtures attached to or in use upon the same, belonging to said company, such person or persons so offending shall each of them, for every such offense, be liable to a civil suit for the recovery of damages by said company, by an action of trespass,

in any court having competent jurisdiction in the county wherein the offense shall have been committed, and shall also be subject to indictment, and upon conviction shall be punished by fine and imprisonment, or either, at the discretion of the court.

Willful injury to any gate, &c.

SECTION 14. Any person who shall willfully break or throw down any gate on such road, which may have been erected in pursuance of this act, or do any damage to said road, or forcibly or fraudulently pass such gate, without having paid the legal toll, [or who] shall with his team, carriage or animal, turn out of said road, or pass any gate thereon, or ground adjacent thereto, and again return on said road, shall, for each offense, forfeit a sum not exceeding ten dollars to and for the use of said company, to be recovered in an action of trespass.

May increase capital stock.

SECTION 15. The directors of said company, at any annual or special meeting of the stockholders, with the consent of a majority in amount of said stockholders, may provide for such increase of the capital stock of said company as may be found necessary to complete said road in such sections as may have been actually commenced, but remain in an unfinished state for want of means for completing the same.

When rights of company shall be void.

SECTION 16. If said company shall not, within three years from the passage of this act, commence the construction of said plankroad, and expend three thousand dollars or more thereon, and shall not, within ten years from the passage of this act, construct, finish and put in operation a single or double track of plankroad, from some point on Forrest street, in the city of Fond du Lac, to some point in the town of Metomen, in the county of Fond du Lac, then the rights privileges and powers of the said corporation, under this act, shall be null and void.

Road must be kept in repair, to enable company to exact toll:

SECTION 17. Whenever said road, or any part thereof, shall be out of repair, unsafe or unfit to be traveled, view shall be had as prescribed by the thirty-ninth and succeeding sections of chapter 69 of the revised statutes; and after view had as aforesaid, the toll gate nearest the place out of repair, shall be ordered to be opened. If the owner or owners of said road shall not commence to repair such road within three days, or complete the repairs thereof within twenty days after such order, it shall be lawful for the supervisors of the town, the mayor of the city, or the trustees of the vil-

lage in which the part so needing repairs may be situated, to repair the same. A full statement of all amounts expended on such repairs, shall immediately be filed in the office of the clerk of the town, city or village within whose limits such repairs shall have been made, and a certified copy of such statement shall, within three days after such filing, be delivered to the keeper of the toll gate nearest to the place where such repairs shall have been made. After the filing of such certificate, said corporation shall not demand or receive toll for passage over such part of such road as lies between the toll gate nearest the place where the repairs may have been made, until said corporation shall have paid to such town, village or city the costs of the repairs so made by such town, village or city, with interest at the rate of ten per cent. per annum.

Declaration.

SECTION 18. It is hereby declared to be the opinion of the legislature, that it is inexpedient and impracticable to accomplish the objects of the foregoing act by or under a general law.

SECTION 19. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 102.

[*Published April* 16, 1862.]

AN ACT to repeal an act entitled "an act to incorporate the Milwaukee and Wauwatosa plankroad company, in the county of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter two hundred and ninety-seven of the general laws of 1851, entitled "an act to incorporate the Milwaukee and Wauwatosa plankroad company," approved March 15, 1851, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 108.

AN ACT to change the name of Francis Gallagher to Francis G. Good, and the name of Thomas Gallagher to Thomas G. Good, and to constitute them the adopted children and heirs-at-law of Thomas Good and Phillis Good, of Sun Prairie, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Names changed.

SECTION 1. The name of Francis Gallagher, of Sun Prairie, in the county of Dane, is hereby changed to that of Francis G. Good, and the name of Thomas Gallagher, of the same place, is hereby changed to that of Thomos [Thomas] G. Good; and by the said last mentioned names they shall hereafter be, respectively, known and recognized for all purposes whatever.

Adoption, inheritance, &c.

SECTION 2. The said Francis G. Good and the said Thomas G. Good shall severally be known as the adopted sons and heirs of said Thomas and Phillis Good, and entitled to all the rights and privileges, and subject to all the duties of inheritance, support and maintainance [maintenance,] (*and*) as fully and effectually, and in the same manner, as if they were the legitimate children of the said Thomas and Phillis Good.

Assent to be executed and recorded.

SECTION 3. The said Thomas Good and Phillis Good shall execute their instrument and [in] writing, under their hands and seals, and duly acknowledged by them, expressing their assent to the provisions of this act, and shall file the same, with a copy of this act attached, in the office of the register of deeds of Dane county, who shall record the same.

SECTION 4. This act shall take effect from and after its passage and the filing of said assent.

Approved April 8, 1862.

CHAPTER 104.

[*Published June* 26, 1862.]

AN ACT to reduce the capital stock of the Exchange bank of Darling & Co.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduce.

SECTION 1. The Exchange bank of Darling & Co., at Fond du Lac, is hereby authorized to reduce its capital stock to the sum of thirty-six thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 105.

[*Published June* 26, 1862.]

AN ACT to reduce the capital stock of the Corn Planter's bank.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock may be reduced.

SECTION 1. The Corn Planter's bank, of Calumet, is hereby authorized to reduce its capital stock to the sum of thirty-two thousand dollars, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15, 1858, and setting forth in said certificate the amount to which such capital stock is to be reduced: *provided*, that said bank shall not be allowed to reduce its capital stock to an amount less than its circulating notes outstanding at the time of the filing of the certificate required in this section; and said bank shall be required to pay to the state treasurer all taxes due to the state on the full amount of their capital up to and including the day on which such certificate is filed with the bank comptroller.

Proviso.

Certificate to be filed.

SECTION 2. The president and cashier of the said bank named in section one of this act, shall, after the passage of this act, file in the office of the register of deeds in the county where said bank is located, a certificate, under oath, stating the sum to which the capital stock of said bank is reduced.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 106.

[*Published June* 26, 1862.]

AN ACT to authorize the Prairie City bank to remove its place of business from Ripon, Fond du Lac county, to Oshkosh, Winnebago county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May remove to Oshkosh.

SECTION 1. The Prairie City bank is hereby authorized to remove its place of business from Ripon, in the county of Fond du Lac, to Oshkosh, in the county of Winnebago, upon filing with the bank comptroller a certificate from the secretary of state, that said bank has complied with the requirements of subdivision thirteen of an act to amend chapter four hundred and seventy-nine of the general laws of Wisconsin for the year 1852, entitled "an act to authorize the business of banking in the state of Wisconsin," approved May 15th, 1858, and setting forth in said certificate, the place to which said bank is to be removed: *provided*, that the holder or holders of any outstanding circulating notes of said bank may have such notes presented and the payment thereof demanded, and may cause such notes to be protested for non-payment at Oshkosh, in the county of Winnebago, in the same manner and with like effect as if the same had been so presented, demanded and protested at Ripon.

Notes may be protested at Oshkosh.

When notes to be issued to bank.

SECTION 2. It shall not be lawful for the bank comptroller to issue to the said bank any circulating notes until its plates shall be so altered as to read "Prairie City bank of Oshkosh," instead of Prairie City bank of Ripon.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1862.

CHAPTER 107.

AN ACT to incorporate the Waupun social turn society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Charles Hermann, P. Widner, F. Zimmerman, M. Kapple, John Mantz, Jacob Bloedel, M. Geidel, H. Lesther, J. Kapple, F. Amthoe, P. Bloedel, C. Dam, and others who have united themselves into an association for the purpose of teaching and learning gymnastics, and for cultivating and improving the faculties of the body as well as of the mind, by gymnastic exercises, and by establishing a reading room and a library, and for other similar purposes, and their associates, are hereby created a body politic and corporate, located in the village of Waupun, and known by the the name of the "Waupun social turn society." Corporators. Name.

SECTION 2. The said corporation shall have power to contract and to be contracted with, to sue and to be sued, to plead and to be impleaded (*with*,) to answer and be answered unto, to defend and to be defended, in all courts of law and equity in this state, and shall have perpetual succession and be vested with all the powers and privileges necessary to carry out and fulfill the objects of their corporation. Powers.

SECTION 3. Said association shall keep a common seal, and shall have power and authority to acquire, purchase, receive, possess, be seized with and enjoy property, real and personal, not exceeding in value the sum of twenty-five thousand dollars; and the said association may alter said common seal, and sell, rent, devise, convey or otherwise dispose of their real and personal estate, at pleasure; also, effectuate loans, borrow money for the use of the corporation, and to execute, sign, seal and deliver deeds, mortgages or other instruments in writing, as the case may require. Further powers.

SECTION 4. The corporation shall have further power to establish for its government a constitution and by-laws not inconsistent with the constitution or laws of this state or of the United States, and make such rules and regulations as may be deemed necessary to carry into effect the object of their association. Ibid.

SECTION 5. The members of said association shall have power to assemble and meet at such times and Trustees—their duties.

places as may be agreed upon, and they may elect any number of discreet persons of their association, not less than three nor more than nine in number, as trustees, to take charge of the real and personal property belonging thereto, as the laws of this state require, and to transact all business relative to the investment and disposal thereof.

Other officers.

SECTION 6. It shall be lawful for said association to elect and appoint such other officers as the condition and circumstances of the corporation may require, and to prescribe their powers and duties, and require bond [bonds] and security for the faithful performance thereof, in such penal sum [and] with such sureties as they may choose, and also prescribe the term of their office: *provided, however*, that the trustees shall hold their offices in conformity with the law, for at least one year and until others are elected.

Descent of property.

SECTION 7. The property, real and personal, of said corporation, shall be solely devoted to the purposes and objects of said association, and all real and personal estate which has been or may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said society, or to any person or persons in trust for said association, shall descend, with all improvements and appurtenances, in perpetual succession to and be held by the trustees, in trust for said corporation.

SECTION 8. This act shall take effect from and after its passage.

Approved June 17, 1862.

CHAPTER 108.

AN ACT to incorporate the Concordia mutual relief association of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. Ludwig Buening, Conrad Kreima, Julius Andrae, Frederick Mayer, Conrad Strohmeyer, and such persons as may hereafter become associated with them, are hereby constituted a body politic and corpo-

rate, located in the city of Milwaukee, under the name and style of the "Concordia mutual relief association," for the purposes of giving active support to its members in sickness or distress, of contributing the expenses for burial of deceased members, to support the widows and orphans of such members, and to take the necessary steps for the settlement of the estates of deceased members, if such members have no relatives in this state, and for such other benevolent purposes as the said association may deem expedient for mutual relief. Style and objects.

SECTION 2. The said corporation shall have power to contract and be contracted with, to sue and be sued, to implead [plead] and be impleaded (*with*,) to answer and be answered unto, in all the courts of this state, and shall be vested with all powers and privileges necessary to carry out and fulfill the objects of this corporation. Corporate powers.

SECTION 3. This corporation shall have further power to establish for its government, a constitution and by-laws, not inconsistent with the constitution and laws of this state, to have and to use a common seal, and to alter the same at pleasure, and to take by gift, grant or devise, and hold and convey, real and personal property, not exceeding in value fifteen thousand dollars. Further powers.

SECTION 4. The members of this association shall have power to assemble at such time and place as may be agreed upon. The control and disposal of the fund, property and estate, and the direction and management of all the concerns of said corporation, under such directions and restrictions as may be imposed by the rules and regulations thereof, shall be vested in a board of trustees, to consist of a president, secretary and executive committee of three, who shall be elected annually to their respective offices, by such members of the corporation as shall, by the rules and regulations thereof, be entitled to vote at such election. Ibid. Board of trustees.

SECTION 5. It shall be lawful for said association to elect such other officers as the condition and circumstances of the corporation may require, and to prescribe their powers and duties, and may require bonds for the faithful performance thereof, in such penal sum and with such sureties as they may choose, and also to prescribe their term of office: *provided, however*, that the said trustees shall hold their office for one year, and until others are elected and qualified. Other officers.

Descent of property.

SECTION 6. The property, real and personal, of said corporation, shall be devoted solely to the purposes and objects of said association; and all real and personal estate which may hereafter be lawfully conveyed by devise, gift, grant, purchase or otherwise, to said association, shall desend, with improvements, in perpetual succession, and shall be held by said trustees and their successors in office, in trust for said corporation.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 109.

AN ACT to incorporate the Northwestern wool and flax-growing and manufacturing company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. Herman Greve, Royal C. Bierce, George W. Blackwell, N. D. Noyes and —— McClellan, and such other persons as may hereafter be associated with them as stockholders, and their successors forever, are hereby created a body politic and corporate, by the name of the "Northwestern wool and flax-growing and manufacturing company," with perpetual succession; and by that name shall have all the privileges, franchises and immunities incident to a corporation, and may have a corporate seal, and alter the same at pleasure, and by their said name shall be capable of purchasing, holding and conveying any estate, real and personal, for the use and benefit of said corporation.

Style and powers.

Further powers.

SECTION 2. The corporation hereby created shall have full right to carry on the business of growing wool and flax, and of manufacturing the same, and for that purpose may purchase or lease grounds, buildings or tenements, and all kinds of necessary machinery and materials. It shall also have the power to purchase any patent of inventions useful in the prosecution of the business for which it is created, and may hold, use and sell and convey the same in exchange for any property, real or personal, which property, thus obtain-

ed, may be held for the use and benefit of the corporation, or be sold and conveyed as its by-laws shall direct.

SECTION 3. The capital stock of said corporation shall be twenty-five thousand dollars, with power to increase the same from time to time as the directors may deem necessary. It shall be divided into shares of twenty-five dollars each; and the persons named in the first section of this act, or a majority of them, may, at such times and places and on such notice as they may decide, open books of subscription to the capital stock of said corporation, and as soon as one hundred shares of such stock are subscribed, and one dollar on each share so subscribed shall have been paid in, they shall call a meeting of the stockholders for the election of directors of said company, and organize the corporation. Capital stock.

SECTION 4. The said corporation shall have power to borrow money, contract debts, issue bonds, give notes, and to pledge or mortgage the real and personal property of the corporation, for and in prosecution of the legitimate business of the said corporation. Further powers.

SECTION 5. The said corporation shall have power to make, alter and amend all necessary by-laws, rules and regulations for the management, control and disposition of the stock, property and business of the same. Ibid.

SECTION 6. The persons named in the first section of this act, shall be *ex officio* the directors of the corporation, until others shall be elected. The by-laws of the said corporation shall prescribe the time of holding the annual meetings for election of officers and the qualifications of voters. The number of directors shall be five, three of whom shall constitute a quorum for the transaction of business. Directors.

SECTION 7. The mills, machinery and general place of business of the company incorporated by this act, shall be at Baraboo, Sauk county, in this state. Place of business.

Approved June 17, 1862.

SUPPLEMENT

TO

PRIVATE AND LOCAL LAWS.

[The laws which appear in this supplement, are such acts of local interest as it was deemed necessary to "publish" as general laws, under the decision of the supreme court in the case of "State of Wisconsin, *ex rel.* Montgomery M. Cothern, against Joseph Lane." They were accordingly numbered as chapters of the general laws, and published in the *Wisconsin State Journal* on the days respectively stated at the head of each act; but are bound in this volume to avoid encumbering the volume of general laws with so much matter of mainly local importance.]

CHAPTER 2.

[*Published January* 25, 1862.]

AN ACT to extend the time for the collection of taxes in the towns of Harris and Newton, in Marquette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

SECTION 1. The time for the collection of taxes in the towns of Harris and Newton, in the county of Marquette, in this state, is hereby extended to the first (1st) day of April, A. D. 1862: *provided*, that the town treasurer [treasurers] of said towns shall poceed [proceed] to collect and pay over the state tax assessed in said towns, as now required by law. Extended to April 1.

Authority to treasurers—their returns.

SECTION 2. The town treasurers of said towns shall have the same power and authority to proceed in the collection of the taxes mentioned in the assessment rolls and warrants in said towns, after as before such extension of time for the collection thereof; and said town treasurers may make their returns to the county treasurer of said county, at any time before the said first day of April, 1862, anything in such warrants to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved January 24, 1862.

CHAPTER 4.

[*Published January* 28, 1862.]

AN ACT to extend the time for the collection of taxes in the city of Beloit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to April 7.

SECTION 1. The time for the collection of taxes in the city of Beloit, in the county of Rock, for (*A.D.*) 1861, is hereby extended till the first Monday in April, A. D. 1862: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes.

Authority to treasurer—his return.

SECTION 2. The treasurer of said city shall have the same power and authority to collect the taxes contained in said city tax roll, after as before such extension of time for the collection of said taxes, and the return of the city treasurer to the county treasurer within the time limited for the collection of taxes by this act, shall be as valid as if made pursuant to the direction of the original warrant.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1862.

CHAPTER 5.

[*Published January* 28, 1862.]

AN ACT to extend the time for the collection of taxes in the town of Beloit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the collection of taxes in the town of Beloit, in the county of Rock, is hereby extended till the first Monday in April, 1862: *provided*, that this act shall not be so construed as to extend the time for the payment of state taxes. Extended to April 1.

SECTION 2. The treasurer of said town shall have the same power and authority to collect the taxes contained in said town tax roll, after as before such extension of time for the collection of said taxes, and the return of the town treasurer to the county treasurer within the time limited for the collection of taxes by this act, shall be as valid as if made pursuant to the direction of the original warrant. Authority to treasurer—his return.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved January 25, 1862.

CHAPTER 6.

[*Published January* 28, 1862.]

AN ACT for the relief of the several towns, cities and villages of the county of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county treasurer of the county of Fond du Lac is hereby authorized and required to receive from the treasurers of the several towns, cities and villages of said county, in payment of county taxes for the year 1861, all county orders issued to the several towns, cities and wards in said county, during the session of the county board of supervisors of said coun- County orders receivable for taxes of 1861.

ty of Fond du Lac, held in the month of December, 1861, any provisions contained in chapter 42 of the general laws of 1859, to the contrary notwithstanding.

SECTION 2. This act shall be printed by the state printer immediately after its passage, and shall then take effect and be in force.

Approved January 25, 1862.

CHAPTER 7.

[*Published January* 30, 1862.]

AN ACT to authorize the county board of supervisors of La Crosse county to reapportion the taxes of said county for the year 1861, and to extend the time for the collection of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Basis of reapportionment.

SECTION 1. The county board of supervisors of the county of La Crosse, are hereby authorized and empowered to correct the apportionment of the taxes in said county, made at their annual session in the year 1861, and to reapportion the same. Such reapportionment shall be made by the said board of supervisors according to the assessed valuation of property in said county for the year 1861, as equalized, and shall be made in conformity to the laws of this state regulating such apportionments.

Recall of assessment rolls and warrants.

SECTION 2. It shall be the duty of the said county board of supervisors, and they are hereby empowered, to recall the assessment rolls and warrants heretofore issued to the treasurers of the several towns in said county and to the treasurer of the city of La Crosse, for the collection of the taxes for the year 1861; and it shall be the duty of said treasurers, on demand by the said board of supervisors, to return the said assessment rolls and warrants to said board, who shall cancel said warrants.

Clerk of board to transmit other rolls, &c.

SECTION 3. On the reapportionment of the taxes by said board of supervisors, it shall be the duty of the clerk of said board, without extra compensation therefor, to transmit the appropriate assessment roll to the

clerk of each of the towns of said county and to the clerk of the city of La Crosse, on or before the 10th day of February, A. D. 1862; and the said clerk of the board of supervisors shall designate on each of such assessment rolls, the amount of state and county tax which the town or city to which such roll belongs is required to pay, according to the reapportionment made by said county board.

Rolls to be corrected by town and city clerks.

SECTION 4. It shall be the duty of evry [every] town clerk of said county, and of the city clerk of the city of La Crosse, immediately upon the reception of said assessment roll, to correct the same according to the reapportionment of taxes to his town or city made by the county board of supervisors, and designated on said roll by the clerk of said board, and also to make a like correction of the assessment roll for the year 1861, filed in his office.

Warrants to issue.

SECTION 5. It shall be the duty of evry [every] said town clerk and of said city clerk, to attach to said corrected assessment roll a warrant as prescribed in sections 61 and 63, chapter 18, of the revised statutes of this state, and on or before the 20th day of February, 1862, to deliver the said assessment roll and warrant to the town treasurer of his town or to the treasurer of his city, which said warrant shall be made returnable on the last Monday of March, 1862.

Treasurers to give bonds.

SECTION 6. It shall be the duty of the several town treasurers of said county and of the treasurer of the city of La Crosse, on or before the 15th day of February, 1862, to give a bond as prescribed by sections 57 and 58 of the revised statutes, and in conformity to the laws of this state regulating the assessment and collection of taxes.

Collection and return of taxes.

SECTION 7. It shall be the duty of the several town treasurers of said county and of the treasurer of the city of La Crosse, to proceed and collect such reapportioned taxes, in the manner now prescribed by law for the collection of taxes, and to make due return of the same, on or before the last Monday of March, 1862.

Receipts for taxes of 1860 receivable for reapportioned taxes.

SECTION 8. The treasurer [treasurers] of the several towns in said county of La Crosse are hereby authorized and required to receive in payment of the tax so reapportioned, the receipt or receipts held by any person or persons for the payment of taxes in said county, for the year 1861, and paid in under the apportionment

made by the board of supervisors of said county, at its annual session in 1861, and it shall be the duty of said treasurers to receive such receipts in payment of such reappraised taxes; and in case such receipts so presented in payment of such taxes shall exceed in amount the taxes as reapportioned, the said treasurer [treasurers] shall pay to the holder or holders thereof the excess; and in case the amount of said receipt or receipts shall be less in amount than the taxes so reapportioned, the said treasurer [treasurers] shall collect the amount of such taxes so remaining unpaid, in the manner now prescribed by law.

Duty of county treasurer.

SECTION 9. The county treasurer of the county of La Crosse shall be governed in his proceedings in relation to delinquent taxes, by the reapportionment of the taxes authorized by this act, and by the assessment rolls, warrants and returns made in accordence [accordance] therewith.

Application of statutes.

SECTION 10. All the laws in this state regulating the assessment and collection of taxes not contraveneing [contravening] the provisions of this act, shall be applicable to and govern in carrying out the provisions of this act.

Prior receipts not evidence of full payment.

SECTION 11. The receipts which shall have been given by the town and city treasurers of said county for the payment of the taxes for the year 1861, collected before the reapportionmant of taxes authorized in this act, shall, in no case, be evidence of the full payment of taxes for said year to defeat any tax title which may be obtained on account of default in the payment of the taxes under the reapportionment authorized by this act, but shall be only evidence of the payment of the sum expressed in such receipt.

Time extended to March 31.

SECTION 12. The time for the collection of taxes for the year 1861, in the county of La Crosse, is hereby extended until the 31st day of March, 1862.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved January 28, 1862.

CHAPTER 8.

[*Published February* 6, 1862.]

AN ACT for the relief Jackson county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The judge of the county court of Jackson county, in this state, is authorized and empowered to restore the records of all probate proceedings heretofore had in said court, prior to the eighteenth day of March, one thousand eight hundred and sixty, as far as may be in his power so to do, in [the] manner provided in this act.

Authority to county judge—restoration of probate records.

SECTION 2. It shall be the duty of every guardian, executor and administrator, heretofore appointed by said court, within six months after the passage of this act, to appear before the judge of said court, and make application for the restoration of said record in any matter in which he may be guardian, executor or administrator aforesaid. Such application shall be by petition, setting forth all such proceedings as have been had before said court prior to the said eighteenth day of March, one thousand eight hundred and sixty, as fully as the petitioner may be able to do, and praying the same be made a matter of record; and if said petition be made by any executor or administrator with the will annexed, a copy of said will duly certified or proved to be a true copy of such will, to the satisfaction of the judge of said court, shall be annexed to the petition and made a part of the record.

Duty of guardians, &c.

SECTION 3. Upon the filing of the petition provided for in the preceeding [preceding] section, the judge shall make an order requiring all persons interested in such estate to appear before him, at a day therein named, to show cause why the record should not be restored; but said hearing shall not be had till said order has been published for at least three successive weeks in some weekly newspaper published in the county of Jackson.

Duty of judge when petition is filed.

Order to be published.

SECTION 4. If it shall appear upon the hearing, to the satisfaction of the judge, that the guardian, executor or administrator filing the petition, has fully dis-

Certificate of fact—when to be made.

charged the duties of his trust, the judge shall enter a certificate of the facts upon the record.

Duty of judge when guardian, &c., has not fully executed his trust.

SECTION 5. If it shall appear upon such hearing that such guardian, executor or administrator has not fully executed his trust, the judge shall make an order requiring him to give a new bond, in such sum [and] with such sureties as said judge shall direct and approve, conditioned for truly accounting for all moneys and assetts [assets] which have come into his hands as such guardian, executor or administrator, and otherwise, pursuant to the statute in case of an original bond; and upon filing such bond, such further proceedings may be had as if no previous appointment had been made, except as in this act provided.

In relation to claims.

SECTION 6. Whenever any claims or demands have been allowed by the judge or commissioners, and paid by the executor or administrator, no further proceedings shall be had in regard thereto; but if such claims or demands have not been paid, the same proceedings shall be had as if no action had been taken.

Papers to be recorded.

SECTION 7. Whenever a certified copy of an order for the conveyance, by an executor or administrator, of lands held under contract, [or] a certified copy of the record thereof in the office of the register of deeds in any county of this state shall be produced to said court, the same shall be recorded, and when so recorded shall be *prima facie* evidence that the order was duly made.

When application has been made to sell real estate.

SECTION 8. In any matter in which application shall have been made to said court prior to the loss and destruction of such record by any guardian, executor or administrator, for license to sell real estate, and no confirmation of sale shall have been made, such application and all proceedings thereon shall be dismissed upon a new application for said purpose being made.

When guardian, &c., refuses to give bond, new one to be appointed.

SECTION 9. If any guardian, executor or administrator shall neglect or refuse for the space of twenty days to give the bond provided for in section five of this act, he may, in the discretion of the court, be removed from said trust without further notice, and a new guardian, administrator with the will annexed, or administrator, may be appointed without further notice.

When guardian, &c., refuses to petition.

SECTION 10. If any guardian, executor or administrator shall neglect or refuse to petition the court within twenty days after application to him, in writing, by any

person interested, either in his own behalf or in the behalf of any minor, for the restoration of the records, as provided in section two of this act, the judge shall make an order removing such guardian, executor or administrator, and shall appoint some suitable person as guardian, administrator with the will annexed, or administrator, in the place of such guardian, administrator or executor removed as aforesaid; and the guardian, executor or administrator who shall neglect or refuse to act in the manner provided in this act, after the notice aforesaid, shall be responsible to his successor for all moneys, or estate of all kinds and nature whatsoever, which may have come into his possession as such guardian, executor or administrator, and shall be allowed nothing for services heretofore rendered, or any such sums he may claim to have disbursed as such guardian, executor or administrator.

Of deeds purporting to be executed by guardian, &c.

SECTION 11. All deeds of land purporting to have been executed by any guardian, executor or administrator, previous [previously] to the eighteenth day of March, one thousand eight hundred and sixty, and which shall have been acknowledged prior to that date, and duly recorded, or which shall hereafter be recorded, shall, to all intents and purposes, have the same effect as if the order and proceedings of said county court were in being, and the said deeds shall be *prima facie* proof of the regularity of the proceedings previous [previously] to and including the sale and confirmation thereof, and also of the regularity of all proceedings prior to and including any order made by said court for the conveyance of any land or lands by any executor or administrator held under any contract for the conveyance of the same.

In case of final decree.

SECTION 12. In all cases where there has been a final decree or order in any matter before said county court, in probate proceedings, and a certified copy of the same is produced to the judge of said court, or the contents of the same otherwise proved to the satisfaction of the said judge, he shall enter the same of record; and said order or decree shall have the same force and effect as the original order or decree, and as if all the prior proceedings were of record, and the same shall be *prima facie* proof of the regularity of all proceedings prior to granting the same.

In cases where dower has been assigned.

SECTION 13. In all cases when dower has been assigned, or partition of real estate made by the direction of the said county court, the papers relating thereto, entitled to record in the office of the register of deeds, or a certified copy of the record thereof, when produced to said court, shall be recorded; and when so recorded, the record thereof shall have the same force and effect as if the proceedings upon which they are predicated had not been destroyed, and shall be *prima facie* proof of the regularity of all prior proceedings in the case.

In cases of death of any guardian, &c.

SECTION 14. In case of the death of any guardian, executor or administrator, the petition otherwise to be made by such guardian, executor or administrator, shall be made by the executor or administrator of such deceased guardian, executor or administrator; and in case he shall neglect or refuse to make such petition within twenty days after application to him, in writing, by any person interested, either in his own behalf or in the behalf of any minor, it shall be the duty of such county judge to remove him from his trust and appoint some other suitable person in his place.

Of papers purporting to be copies of last wills, &c.

SECTION 15. All papers purporting to be copies of last wills and testaments of deceased persons, which shall be proved to said county court to have been heretofore admitted to probate and allowed as and for the last wills and testaments of said deceased persons, by the probate or county court of the county of Jackson, prior to the eighteenth day of March, one thousand eight hundred and sixty, and which shall be proved to the satisfaction of said court to be true copies of the original wills heretofore filed in the probate registry of said court, shall be entered of record in said court, together with the aforesaid proof of the probate and allowance of the same; and the said record and the proof of the same shall have the same force and effect as the record of the said wills and of the proof thereof, made prior to the said eighteenth day of March, one thousand eight hundred and sixty.

County judge authorized to draft petitions, &c.—fees,

SECTION 16. The county judge is hereby authorized to draft all petitions and other papers made necessary by this act, and he shall be entitled to the same fees for such services, and for all other services which he may perform in restoring the records of said court, as are now allowed by law for similar services; and

the same, together with all fees for printing and fees of individuals necessary in restoring said records, shall be audited by the county board of supervisors and paid out of the county treasury.

Former acts of judge legalized.

SECTION 17. That all the official acts and duties performed by the county judge of Jackson county, in restoring the records and proceedings of said court, prior to the passage of this act, are hereby legalized and declared to be as valid, to all intents and purposes, as though done under an act authorizing the same.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved February 5, 1862.

CHAPTER 14.

[*Published February* 12, 1862.]

AN ACT to provide for the relevy of taxes in the county of Pierce, for the year 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board to meet Feb. 18, and relevy taxes.

SECTION 1. The county board of supervisors of the county of Pierce, are hereby authorized and directed to meet at the usual place of meeting of the board of supervisors in said county, on the third Tuesday of February, 1862, at the hour of ten A. M., and at such session cancel and vacate the levy of taxes made at the last annual session of such board, and to relevy such taxes as may be necessary, or should have been levied at such last annual session.

Clerk of board to make out certificates of amounts, &c.

SECTION 2. The taxes levied in pursuance of the provisions of this act, shall be apportioned among the several towns and wards in said county as required by law; and the clerk of the county board of supervisors, immediately after such apportionment, shall make out two certificates of the amount apportioned, to be assessed on the taxable property of each town and ward, for state, county and school purposes, one of which shall be delivered to the county treasurer, and the other to the clerk of the proper town or city, as the case

may be; and the county treasurer shall charge the amount specified in each certificate to the proper town or city.

Statements of town and city clerks— treasurers' bonds.

SECTION 3. The clerk of each town and city shall forthwith give to the town or city treasurer, as the case may be, a certified statement required by section 57 of chapter 18 of the revised statutes; and the town or city treasurer shall, within five days thereafter, execute and file a bond as required by said section.

Tax rolls to be made out by town and city clerks.

SECTION 4. Each town or city clerk shall, immediately upon the reception of the certificate provided for in section two of this act, proceed to calculate and carry out upon a copy of the corrected assessment roll of such town or city for the year 1861, to be made by him, the total amount of such taxes so levied for state, county or school purposes, adding thereto five per [cent.] for the expenses of collection, in an additional column provided for that purpose, setting opposite to the several valuations of real and personal estates, [estate,] the respective sums assessed as taxes thereon in dollars and cents, rejecting fractions of a cent.

Warrant.

SECTION 5. As soon as said assessment roll shall have been completed as herein provided, and on or before the second Monday of March next, the clerk shall annex thereto a warrant substantially as required by section 61 of chapter 18 of the revised statutes, except that taxes shall be required to be collected and paid over on or before the third Monday of May next. Such warrant shall not be delivered to the treasurer until his bond shall have been filed as hereinbefore required.

Duty of town treasurers.

SECTION 6. Immediately upon receiving said assessment roll and warrant, the town treasurer shall proceed to collect the taxes mentioned in said roll, according to law and the direction of such warrant, and in the collection thereof he shall have all the powers and be subject to all the requirements provided by law for town treasurers in the collection of state and county taxes.

Return of unpaid taxes, and sale of delinquent lands.

SECTION 7. The several town and city treasurers shall make return of all unpaid taxes in the same manner and with like effect as provided by law; and the county treasurer shall advertise and sell all lands returned to him for the non-payment of taxes assessed thereon, which shall not be redeemed pursuant to law. Such sale shall be made on the first Tuesday of Sep-

tember next, and the next succeeding days. The proceedings, in advertising and selling such returned lands, shall conform in all respects to the provisions of law for the sale [of] lands returned for the non-payment of taxes, and shall be as valid and effectual as like sales made on the second Tuesday of April.

Prior receipts to be credited.

SECTION 8. Any sums which shall have been paid by any person to the town or city treasurer in liquidation of the taxes assessed against such person for the year 1861, shall, on the surrender of the receipt showing the payment thereof, be credited to such person on the taxes levied under the provisions of this act. If the sum paid, as shewn by such receipt, shall exceed the amount assessed to such person under the provision of this act, the treasurer shall give a certificate thereof, and the excess shall be a charge against the county, and be audited and paid as other county charges.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved February 11, 1862.

CHAPTER 20.

[*Published February* 14, 1862.]

AN ACT to amend an act entitled "an act to incorporate the city of Green Bay," and acts amendatory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Notice of receipt of tax roll.

SECTION 1. Upon the receipt of any tax roll, by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such tax or taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office for the term of thirty days next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such

Collection of taxes.

sale, by posting up not less than three written notices in as many public places in said city.

Delinquent lands subject to sale.

SECTION 2. Each and every lot or lots, or any other piece of land, upon which the taxes, interest and charges shall not be paid by the first Monday of February next [after] the levying and assessing the same, shall be subject to sale as hereinafter provided.

List of delinquent lands to be made out, &c.

SECTION 3. The city treasurer shall immediately after the said first day of February, make out a notice stating that the tracts and parcels of land specified in said tax roll, upon which the taxes shall not have been paid by that day, will be sold by him at public auction at the office of said treasurer in said city, on the second Tuesday of May next thereafter, and the next succeeding days, for the taxes, interest and charges thereon.

List to be published.

SECTION 4. The said treasurer shall cause said notice to be published in a newspaper printed in said city, once in each week, for four successive weeks prior to said second Tuesday of May, and also at least four weeks prior to that day, post up copies thereof in three public places in said city.

Lands to be sold.

SECTION 5. On the day and at the place designated in the treasurer's notice, he shall commence, by public auction, the sale (and continue the same from day to day till the whole are disposed of) of all tracts and lots, or parts thereof, upon which the taxes or assessments shall remain unpaid; the sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same, and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same will expire. The treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time, by whom and for what sum the same was redeemed, and the time and to whom the same was conveyed, if not redeemed.

Certificate to purchaser.

Record of lands sold.

Lands may be resold.

SECTION 6. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the treasurer shall designate, he shall on the day following offer said lot

or tract again for sale; and any person bidding off at any such sale any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars for each lot so purchased and not paid for, to be sued for and collected as other penalties under this act. Penalty.

SECTION 7. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner or any person interested therein paying to the treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed. Redemption.

SECTION 8. Any tract or lot of land sold in pursuance of this act or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the treasurer to the purchaser, or his assigns, as herein provided. Conveyance of unredeemed lands.

SECTION 9. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed for such premises, in his own name and with the same effect as though he had been the original purchaser. Deeds to assignees of tax certificates.

SECTION 10. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city; and thereupon the city shall receive in the [its] corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this act, the treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the treasurer is authorized to sell the certificates issued therefor, for the amount sold and interest, and to endorse and transfer such certificate to the purchaser. Lands may be struck off to the city, &c.

SECTION 11. All deeds purporting on their face to be executed on account of sale for taxes or assessments under this act, shall be in all cases *prima facie* evidence Deeds *prima facie* evidence of their validity.

of the [their] validity, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they effect [affect] the validity of the title conveyed by such deed.

Duty of treasurer.

SECTION 12. The treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof and pay the same over on demand to the person entitled to receive the same. He shall cancel all certificates so redeemed, and preserve the same in his office. He shall deliver over to his successor all redemption moneys in his hands, with a statement of the amount so received.

Fees of treasurer.

SECTION 13. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, two per cent. upon all taxes collected by or paid to him prior to the first day of February in each year, and five per cent. upon all taxes or assessments paid to or collected by him after the said first day of February; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution. For each certificate by him issued on sales of lands, for payment of taxes or assessments, ten cents to be added to the amount of such tax or assessment, and included in such certificate; for each lot redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot embraced in such certificate, to be paid by the person redeeming; for each tax deed executed by him, one dollar, and five cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same.

State tax.

SECTION 14. The treasurer shall, on or before the third Monday of January in each year, pay to [the] county treasurer the state tax assessed upon the lots and tracts of land and personal property in said city, and shall immediately after the sale of the lots and tracts of land upon which the taxes shall not have been paid, pay to the county treasurer the county tax assessed thereon.

Property not to be sold for debts of the city.

SECTION 15. No real or personal property of any inhabitant of said city, or any individual or corporation, shall be levied upon or sold by virtue of any exe-

cution issued to satisfy or collect any debt, obligation or contract of said city.

SECTION 16. Sec. [section] 38 of the act to which this is amendatory, and sec. [sections] 3 and 4 of an act entitled "an act to amend 'an act to incorporate the city of Green Bay,'" approved April 29th, 1858, and section one of an act entitled "an act to amend an act to incorporate the city of Green Bay, approved February 27th, 1854," approved March 17th, 1859, and all other acts and parts of acts conflicting with this act, so far as the city of Green Bay is concerned, are hereby repealed. Repeal.

SECTION 17 This act shall take effect and be in force from and after its passage.

Approved February 11, 1862.

CHAPTER 25.

[*Published February* 18, 1862.]

AN ACT to provide for the loan and disposition of the drainage fund in the county of Marquette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That portion of the drainage fund income due to, or which shall hereafter become due to the county of Marquette, shall be paid over to the county treasurer of said county, at the same time with the money due to said county from the school money due to said county from the school fund income for each year. The drainage fund income money so received by the county treasurer, shall be by him apportioned among the different towns of said county in the same proportion, added to and paid over along with the school money apportioned by the state superintendent for the support of schools, in the several towns of the county. When to be paid. How apportioned.

SECTION 2. The commissioner of the drainage fund of said county is hereby authorized to loan to the county of Marquette from said drainage fund, a sum not exceeding four hundred dollars, for a period of time not exceeding one year, to enable said county to pay Part may be loaned to Marquette county.

the salary of the county superintendent of schools of said county.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 15, 1862.

CHAPTER 31.

[*Published February* 20, 1862.]

AN ACT to legalize the official acts of Andrew Sweep, as justice of the peace in the county of Dane, and to allow him to file his bond and oath of office as justice of the peace, in pursuance of his election in the year 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Official acts legalized.

SECTION 1. All the official acts and duties performed by Andrew Sweep, as justice of the peace in the town of Fitchburg, in the county of Dane, state of Wisconsin, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be valid for all purposes, the same as though the said Andrew Sweep had caused his official bond or bonds, and oath or oaths, to be made and filed in conformity with the laws of this state.

Bond and oath may be filed, &c.

SECTION 2. It shall be lawful for the said Andrew Sweep to file his official bond and oath of office as justice of the peace, in pursuance of his election at the annual town meeting held in the town of Fitchburg, in the year 1861, at any time before the 20th day of February, 1862; and when such bond and oath of office shall be so filed with the proper officer, the said Andrew Sweep shall thereupon be fully qualified to act as justice of the peace for the remainder of the term for which he was elected to that office, at the annual town meeting in the year 1861, any law of this state to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1862.

CHAPTER 38.

[*Published February* 25, 1862.]

AN ACT to extend the time for the payment of taxes in the county of Wood.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the voluntary payment of all taxes, except state taxes, on property in the county of Wood, for the year 1861, levied pursuant to any law of this state, is hereby extended to the third Monday in May next, and it shall not be lawful for any town treasurer, in said county, to levy the same by distress and sale prior to said day. Extended to May 19.

SECTION 2. The town treasurers shall retain in their hands for collection all delinquent taxes, and may receive such of the taxes therein as shall be paid voluntarily, prior to the third Monday in May next, and receipt the same to the person or corporation making such payment thereof, without other or further authority than the original warrant [warrants] issued to him [them] for the collection of the same. Original warrants sufficient authority to treasurers.

SECTION 3. If, upon the third Monday in May next, there shall be remaining in the hands of any town treasurer any delinquent and unpaid taxes, it shall be the duty of such officer to present his original warrant to the officer who issued the same, for renewal thereof, and it is hereby made the duty of said officer to renew the same for thirty days from said third Monday in May, by endorsement under his hand; and the said treasurer shall thereupon proceed to enforce collection of the same by distress and sale, in the manner now prescribed by existing laws, and shall make return of such warrant and tax list to the county treasurer on the fourth Monday of June next, in the manner now provided by existing laws. Warrants may be extended. Return of warrants.

SECTION 4. The term of office of the treasurers of the towns of Wood county, for the purposes of this act, is hereby extended to the fourth Monday in June next; but said treasurers shall give a new official bond before the first Tuesday in March next, in double the amount of delinquent taxes remaining in their hands. Term of office of treasurers extended.

Monthly payments.

SECTION 5. Nothing herein contained shall be construed to authorize any collector to retain in his hands any taxes already collected by him; and every collector is hereby required to pay over to the proper officer or person, such taxes as he may have collected, on the first Monday of every month, until the time shall have elapsed to make his return as hereinbefore provided.

SECTION 6. This act is hereby declared to be in force from and after its passage.

Approved February 19, 1862.

CHAPTER 39.

[*Published February* 24, 1862.]

AN ACT to legalize the official acts of H. H. Tredwell, a justice of the peace of Crystal Lake, Marquette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Official acts legalized.

SECTION 1. That all the official acts and duties performed by H. H. Tredwell, as justice of the peace in the town of Crystal Lake, in the county of Marquette, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all purposes, as though the said H. H. Tredwell had caused his official bond and oath to be made and filed in conformity with the statutes of this state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1862.

CHAPTER 40.

[*Published February* 25, 1862.]

AN ACT to amend an act entitled "an act to consolidate and amend an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two of an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852, is hereby amended by striking out the word "March" where it occurs in the said section, and inserting in lieu thereof the word "April;" and section seventeen (17) of the said chapter of the said act is hereby amended by striking out the word "March" where it occurs in said last mentioned section, and inserting in lieu thereof the word "April;" and all the elective officers of the said city of Milwaukee, and the several wards thereof, now in office, shall hold their respective offices until their successors shall be elected and qualified, as required by the laws relating to said city.

When annual election to be held.

When term of office to commence.

Term of present officers extended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1862.

CHAPTER 43.

[*Published February* 28, 1862.]

AN ACT to extend the time for the collecting of taxes in the city of Racine, in the county of Racine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for collecting the state and (*and*) county taxes in the city of Racine, in the county of Racine, is hereby extended until the first Tuesday of April next; and the treasurer of said city shall have

Extended to April 1.

rolls, or either of them, is imperfect or defective, it shall be the duty of said clerk to correct such description, and if more than one lot or parcel of land shall have been valued together on said assessment rolls, or any or either of them, it shall be the duty of said clerk to divide and apportion to each lot or parcel thereof, its just proportion of such valuation: *provided, however*, that no division of the valuation need be made in such case, if such lots or parcels of land so valued together, were, at the time such valuation was made, owned by the same person and occupied as one parcel.

Proviso.

Duty of assessors.

SECTION 2. When such tax lists have been completed by said clerk, it shall be the duty of the assessors of said city of Janesville to examine the same, and if said assessors shall discover that any property in said city of Janesville, in said years, or either of them, for which said tax lists are made, is omitted therefrom, the said assessors shall set down in said tax lists respectively, in separate columns, and according to the best information they can obtain, a description of each parcel of land or other item of property so omitted from such tax lists, the names of the owners of each such lot or parcel of land and other item of property, and the just value thereof at the time the same ought to have been assessed; and if said assessors shall discover that any lands are described in said tax lists, and not valued, the said assessors shall set down opposite thereto, the just value thereof at the time the same ought to have been valued. The said assessors, after they have examined and corrected said tax lists, shall annex to each of said lists a certificate substantially in the following form, viz.:

Assessors' certificate.

"We, the undersigned, assessors of the city of Janesville, do hereby certify, that we have carefully examined the annexed tax list; that we have set down therein all lots and parcels of land and other items of property in the city of Janesville, in the year 185–, liable to taxation, which were omitted therefrom, and have assessed each lot, parcel and item thereof at its just value, and have set down therein the just value of such lots and parcels of land as were described therein and not valued at the time the same ought to have been assessed in said year 185–, according to our best information; and that we verily believe that said list contains a true statement of all the property in the said

city of Janesville in said year 185–, liable to taxation, and the just value thereof.

"Given under our hands this —— day of ——, 1862.

——— ——— } Assessors of the
——— ——— } city of Janesville."

Notice of reassessment to be published—what notice to state.

SECTION 3. When said tax lists shall have been completed and certified by said assessors as aforesaid, the mayor of said city shall cause a notice, signed by said mayor and the clerk of said city, to be published in a daily newspaper published in said city, (if there shall be a daily newspaper published therein, and if not, then in a weekly newspaper,) that tax lists for the reassessment of the taxes in said city, for the years 1854, 1855, 1856 and 1857, have been completed, and that said tax lists contain a description of all property in said city liable to taxation in each of said years respectively; and that all property omitted from the assessment rolls of said city, for each of said years, has been added to said tax lists, and that the same also contain the valuation of all property therein described; that said tax lists will remain in the office of the clerk of said city, open to inspection, for the term of six days from the first publication of such notice; and that any person feeling himself aggrieved by the listing, valuation or description of any property, or by any other matter or thing contained in or connected with said tax lists, can apply to the common council of said city, at some time and place to be specified in said notice, for redress, which notice shall be published at least six days before the time of the meeting of said common council therein stated; and the said common council shall meet at the time and place specified in such notice, and hear and consider all complaints and allegations of every person so applying for redress, and shall order such corrections of the listing, valuation or description of any property described in such tax lists, as such common council shall deem just and equitable. Such correction shall be ordered by resolution, to be passed by the affirmative vote of a majority of the members of said common council present and voting thereon; and such corrections, when so ordered, shall be immediately made in said tax lists by the clerk of said city, in pursuance of such resolution of the common council. Said common council shall, if necessary, adjourn from time

Common council to hear complaints, and may make corrections.

to time until all applications for redress shall have been heard and decided, and shall, after all corrections ordered by them have been made in such tax lists, by a resolution to be passed as aforesaid, approve said tax lists.

Taxes to be apportioned. after lists shall have been approved by the council.

SECTION 4. When said tax lists shall have been approved by the common council of said city, the clerk of said city shall apportion in each of said tax lists the amount of all state, county and city taxes required by law to be assessed, levied and collected in said city in the year for which such tax list is made out, with interest on said amount from the first day of January, in the year next following that for which such tax list is made out, to the third Monday in May, 1862, on all the property decribed in such tax list, and shall set opposite to each lot and parcel of land and other item of property in such tax list, in separate columns, the amount of said state, county and city taxes, and interest as aforesaid properly chargeable thereon, computing the amount of said state, county and city taxes, and interest as aforesaid, *pro rata* upon the value of all property in the tax list for the year for which the same is made out, so that the whole amount of taxes so apportioned and set down in each tax list, shall be equal to the amount of the annual state, county and city taxes required by law to be assessed, levied and collected in said city in the year for which such tax list is made out, with interest thereon as aforesaid, adding thereto, for the expenses of collection in each of the said tax lists for the years 1854 and 1855, five per centum, and in said lists for each of the years 1856 and 1857, five per centum on the amount of the state and county taxes in each of the said last mentioned lists, and one-half of one per centum for the amount of the city taxes in each of the last mentioned lists, in separate columns prepared for that purpose in such lists.

Warrant to treasurer.

SECTION 5. As soon as said clerk has apportioned said taxes, he shall, on or before the second Monday in April, 1862, make out a copy of each of said tax lists; and the common council of said city shall cause to be made out and annexed to each of said copies of said tax lists, a warrant directed to the treasurer of said city, which warrant shall command the said treasurer to collect from each of the persons and corpora-

tions named in the annexed tax list, and of the owners of the lots and parcels of land therein described, the taxes set down in said tax list opposite to their respective names and to the several lots and parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, he shall levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so to be collected, after deducting his fees, he shall pay into the treasury of said city of Janesville; such warrant to be signed by the mayor and clerk of said city, and sealed with the official seal thereof; and the clerk of said city shall, on or before the third Monday in April, 1862, deliver to said treasurer each of said copies of said tax lists, with such warrant thereto annexed.

Treasurer to publish notice.

SECTION 6. Within five days after the receipt of said copies of said tax lists, with such warrants thereto annexed, the said city treasurer shall give public notice in a daily newspaper, (if there be a daily paper published therein, if not, then in a weekly newspaper,) published in said city, that tax lists containing the reassessment of taxes in said city of Janesville for the years 1854, 1855, 1856 and 1857, respectively, have been committed to him for the collection of said taxes, and that the said treasurer will receive payment of the taxes in said lists, at his office in said city, until the third Monday in May, 1862.

Treasurer may receive taxes on portion of any lot.

SECTION 7. The said city treasurer shall receive the taxes on any portion of any lot or parcel of land, or on any undivided share or interest therein, which the person paying the tax will clearly define, and shall only sell the residue or remaining interest in such lot or parcel of land, if the tax thereon remains unpaid.

When treasurer's fees to be remitted.

SECTION 8. On all taxes paid to said treasurer on or before said third Monday in May, 1862, the said treasurer shall remit to the person paying the same, four-fifths of the said five per centum set down in said tax lists as his fees for collecting such taxes so paid.

Application of former payments.

SECTION 9. If any portion of the taxes upon any property mentioned in said tax lists, or any of them, has been paid, or any payment made to the city treasurer on account thereof, for either of the said years 1854, 1855, 1856 and 1857, the amount so paid, together

with interest thereon from the time of such payment to the said third Monday in May, 1862, shall be applied by the said city treasurer as a payment or part payment, as the case may be, of the taxes levied and assessed upon such property, pursuant to this act, for the year upon the account of which such payment was made; and the said treasurer shall, in like manner, receive any certificate heretofore issued by the treasurer of Rock county, upon the sale of any such property for the non-payment of the said state, county and city taxes, for either of the said years 1854, 1855, 1856 and 1857, in payment or part payment, as the case may be, of the taxes assessed and levied upon such property pursuant to this act, for the year on account of the taxes of which said property was sold and such certificate issued, and shall allow to the holder thereof the amount for which such property was sold, as specified in such certificate, and interest thereon from the date of such certificate to said third Monday in May, 1862, at the rate of seven per centum per annum; and in case there shall be any outstanding certificate of sale heretofore issued, of any lot or parcel of land for the non-payment of the state, county and city taxes thereon, for either of said years 1854, 1855, 1856 and 1857, and the taxes on such lot or parcel of land, assessed and levied pursuant to this act, shall be paid to the city treasurer, the holder of any such outstanding certificate shall be entitled to receive from said treasurer the amount specified in such certificate for which such lot or parcel of land was sold, and interest thereon from the date of such certificate to the time such last mentioned taxes were paid.

Certificates of Rock co. treasurer receivable.

Payment of outstanding certificates.

SECTION 10. In case any person shall refuse or neglect to pay the taxes imposed on him in said tax lists, or any of them, the said city treasurer shall levy the same by distress and sale of any goods and chattels belonging to such person, wherever the same may be found in the county of Rock, and shall give at least five days' notice of the time and place of sale of any property seized for the non-payment of any such taxes, by posting up not less than three notices thereof, in as many public places in said city. Said treasurer shall be entitled to the same fees for seizing and selling any such property, as constables are for like services, and shall retain from the proceeds of such sales, the amount of taxes and charges and interest for the non-payment

Distress and sale of goods and chattels.

Fees therefor

of which such property is sold, and the costs and expenses of such seizure and sale, and pay the surplus, if any, to the owner of such property, on demand.

List of lands on which taxes remain unpaid.

SECTION 11. If, on the second Monday in June, 1862, any of the taxes on any lot or parcel of land described in the said tax lists, or either of them, shall remain unpaid or uncollected, the said treasurer shall make out a separate and complete list of all such lots and parcels of land on which the taxes have not been paid or collected, for each of said years 1854, 1855, 1856 and 1857, specifying in such lists each lot and parcel of land, the name of the person to whom assessed, if to any, and the amount of taxes and charges due thereon, with interest on the same, at the rate of twenty-five per centum per annum, from the first Monday in April, 1862, to the time of the sale hereafter mentioned. Such list shall be made in a book to be provided by said treasurer for that purpose, and after such lists are completed, the said treasurer shall add to each list a certificate signed by him, substantially in the following form, viz.:

Treasurer's certificate.

"I, ———, treasurer of the city of Janesville, do certify, that the foregoing is a correct list of all lots and parcels of land on which the taxes, interest and charges due for the year 185–, remain unpaid and uncollected, and that the sum set opposite each lot and parcel of land thereof, is the amount of taxes, charges and interest due and unpaid thereon for the year aforesaid, to the second Monday in July, 1862.

"In testimony whereof, I have hereunto set my official signature this —— day of ———, 1862.

"———, Treasurer of the city of Janesville."

List to be published and lands sold.

SECTION 12. The said treasurer shall, after said lists are completed, and on or before the third Monday in June, 1862, cause to be published in a daily newspaper, (if there be one published in said city, if not, then in a weekly newspaper,) published in said city, once a week for three successive weeks, a list for each of said years 1854, 1855, 1856 and 1857, of all lands described in the lists in his office on which the taxes, charges and interest, or any part thereof, remain unpaid and uncollected for each of said years respectively, specifying in said lists to be published, the names of the persons to whom each lot and parcel of land is assessed, if any, and the amount of taxes, charges and interest

thereon as aforesaid, due on each lot and parcel of land and the year for which such taxes remain unpaid; together with a notice that so much of each lot and parcel of land described in said list as may be necessary for that purpose, will, on the third Monday in July, 1862, be sold by such treasurer, at public auction, at the office of such treasurer, in the said city of Janesville, for the payment of the taxes, charges and interest specified in such lists due thereon.

Affidavit of publication.

SECTION 13. The publisher of the newspaper in which such lists and notices are published, shall, immediately after the last publication thereof, deliver to the said city treasurer an affidavit of such publication, made by some person connected with the publishing of the newspaper in which such list and notice are published, to whom the fact of publication is known, which affidavit shall be filed and preserved in the office of said treasurer.

Sale to continue until lands are all sold.

SECTION 14. On the day designated in the notice of sale, the said city treasurer shall commence the sale of such lands on which the taxes, charges and interest shall not have been paid, and shall continue the same from day to day, (Sundays excepted,) until so much of each lot and parcel thereof shall be sold as shall be sufficient to pay the taxes, interest and charges thereon; and all moneys received on such sale shall be paid into the city treasury.

How lands to be sold.

SECTION 15. The person at such sale offering to pay the taxes, charges and interest on any lot or parcel of land for the least quantity thereof, shall be the purchaser of such quantity, which shall be designated and described by such person at the time he offers to pay the taxes, charges and interest therefor; and in case no bid shall be made for the payment of the taxes, charges and interest on any lot or parcel of land, for a portion thereof, then the whole of said lot or parcel shall be sold.

Immediate payment may be required.

SECTION 16. The said treasurer may, in his discretion, require immediate payment of every person to whom any lot or parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours after the bid, said treasurer shall declare said bid cancelled, [canceled,] and sell the lands again; and any person so neglecting or refusing to make payment, shall not be entitled to have any bid made by

him thereafter, received by said treasurer during such sale.

SECTION 17. If any parcel of land cannot be sold for the amount of taxes, charges and interest thereon, the said treasurer shall bid off the same for said city, for such amount. City may bid off lands.

SECTION 18. When any land is offered for sale as aforesaid, it shall not be necessary to sell the same as the property of any particular person, and if it is assessed to or should be sold as the property of any such person, no misnomer of the owner, or supposed owner, or any other mistake or error respecting the ownership of such land, shall ever affect the sale or render it void or voidable. Sale not void by reason of misnomer or error

SECTION 19. The said treasurer shall give to each purchaser on the payment of his bid or bids, and if the same shall be struck off to said city, then to said city, a certificate in writing, dated the day of the sale, describing the lands purchased, the amount for which the same was sold, and the time when the purchaser will be entitled to a deed thereof, which certificate shall be assignable by the endorsement of the name of the person named as the purchaser thereon, on the back thereof, and any person's interest in such certificate, so endorsed, shall pass by a delivery thereof; and the certificates issued to the said city shall be assignable by the endorsement of the clerk of the city thereon and delivering thereof; and any person who shall pay to the said city treasurer the amount for which the land described in said certificate was sold, as stated therein, with interest thereon, at the rate of twenty-five per centum per annum, from the date thereof to the time of such payment, shall be entitled to have such certificate, duly endorsed by said city clerk, delivered to him; and all such certificates shall have the same force and effect in the hands of the assignee thereof, as while owned by the purchaser at the sale. Certificates of sale may be assigned.

SECTION 20. The said city treasurer shall, immediately after such sale, deposit in the office of the clerk of said city, a statement containing a particular description of each parcel of land sold, specifying the name of the person to whom sold, and the amount for which the same was sold, and the said clerk shall record such statement in a book to be kept in his office for that purpose; and the said treasurer shall also make out and Description of lands sold.

deliver to said clerk, all certificates of sales of land bid off by said treasurer; and any person desiring to purchase any such certificates, shall pay to the treasurer the amount thereof, with interest as aforesaid, and on presenting the treasurer's receipt therefor, said clerk shall endorse such certificates, and deliver the same to such person, and shall fill [file] the treasurer's receipt in his office.

Sale of certificates held by the city.

Lands may be redeemed within three months.

SECTION 21. The owner or occupant of any lands sold for taxes by virtue of this act, or any other person, may, at any time within three months from the date of the certificate of sale thereof, redeem the same, or any part thereof or interest therein, by paying to the clerk of said city, for the use of the purchaser, his personal representatives or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by the provisions of this act, or such proportion thereof as the part or interest redeemed shall amount to, with interest on the amount of purchase money, at the rate of twenty-five per centum per annum, from the date of such certificate to the time of redemption; and any such person may, in like manner, redeem the same at any time before the tax deed executed upon such sale is recorded, and when so redeemed, such tax deed shall be void.

Redemption of lands of minors.

SECTION 22. The lands of minors, or any interest they may have in lands, sold for taxes by virtue of this act, may be redeemed at any time before such minor becomes of age, and during the term of three months thereafter; and the lands of idiots and insane persons so sold, or any interest they may have in the same, may be redeemed at any time within two years after such sale, and such redemption shall be made in the same manner as in the last preceding section.

Certificates of sales issued by treasurer of Rock co. receivable on redemption.

SECTION 23. The clerk of said city shall receive, in redemption of lands sold by virtue of this act, any outstanding certificate of sale heretofore issued by the treasurer of Rock county, on the sale of the same land for the non-payment of the taxes thereon for either of the years for which the tax lists mentioned in this act are made out; and said clerk shall also receive any such outstanding certificate in payment for any certificate of sale of lands bid off by said city at the sale to be held by virtue of this act, for the amount specified in such outstanding certificate executed by the county

treasurer, with interest thereon, at the rate of seven per centum per annum, from the date of such certificate to the time of such redemption or purchase; and in case of the redemption of any lands sold in pursuance of this act, by delivery to said city clerk of such outstanding certificate as aforesaid, the treasurer of said city shall, on presentation of the certificate of sale of the same lands for the same year, issued in pursuance of this act, pay to the holder thereof the amount for which the land therein described sold, as stated therein, with interest thereon from the date thereof to the time of such redemption, at the rate of twenty-five per centum per annum.

Certificate of redemption.

SECTION 24. Upon the redemption of any lands sold for taxes by virtue of this act, said city clerk shall execute to the person so redeeming, a certificate specifying therein the name of the purchaser, the land redeemed, and the amount of the redemption money paid; and such clerk shall also enter on the sale list kept by him, the name of the person redeeming, the amount paid, and the time of redemption. Said certificate shall also be presented to the city treasurer, and countersigned by him, and shall then be evidence, in all courts, that the lands therein described have been redeemed from the sale for the year therein specified.

Tax deed.

SECTION 25. If any land sold for taxes by virtue of this act, shall not be redeemed as provided in this act, the clerk of said city shall, after the expiration of the term of three months from the time of such sale, on the presentation to him of the certificate of sale, execute a deed of the land so remaining unredeemed to the purchaser, his heirs or assigns, which deed shall be substantially in the following form, viz.:

Form.

"Whereas, —— has deposited in my office a certificate executed by the treasurer of the city of Janesville, whereby it appears that the said —— (or in case of assignment, A. B., of whom the said —— is assignee,) did purchase the following lands, viz.: (here describe the lands,) at a tax sale held by said treasurer, on the —day [of] ——, 1862, for the sum of $——, being then due on said land for taxes, interest and charges for the year 185–; and whereas, said land is now unredeemed from such sale: now, therefore, know all men by these presents, that in consideration of the said sum of $——, and of the premises, the said above described lands are

hereby granted and conveyed unto the said ——, with all the hereditaments and appurtenances thereunto belonging, and to his heirs and assigns, to their sole use and benefit forever.

"In witness whereof, I have hereunto set my hand and the official seal of said city, this —— day of ——, 1862.

"———, Clerk of the city of Janesville."

Evidence of deed.

Such deed shall be signed by the clerk, and shall have affixed thereto the official seal of said city, and shall be acknowledged by said clerk, so as to entitle the same to record; and such deed, when so executed and recorded in the office of the register of deeds for Rock county, shall be conclusive evidence, in all courts, that the taxes for the non-payment of which the lands therein described were sold, were valid, and were legally assessed on said lands; that all proceedings, from the valuation of the land up to and including the execution of such deed, were regular and are valid; and shall also be conclusive evidence of the performance of all conditions precedent, which might in any way affect the validity of said deed, or of the title intended to be conveyed thereby, and shall be sufficient and effectual to vest a title in fee simple in the grantee named therein, in and to the lands described in said deed, except that said deed shall be only *prima facie* evidence of the non-payment of the taxes, interest and charges for which the lands therein [described] were sold, and of the non-redemption of said lands after sale thereof and before the recording of said deed.

Deeds to city

SECTION 26. The said clerk of said city shall execute a deed or deeds, in like manner, to said city, of all lands described in the certificates of sales issued to said city in said tax sale, which shall not have been sold and assigned by said city prior to the expiration of the time of redemption as aforesaid, and title to the lands therein described shall vest in said city, in like manner and with the same effect as when executed to natural persons; and said city is hereby authorized and empowered to take and hold title to all lands which may be conveyed to it in pursuance of this act, and to sell and convey the same, in the same manner [and] with the same effect that the said city is now authorized to sell and convey any lands it may own.

All taxes, &c., must be paid before action can be commenced to restrain sale of lands, or to set aside tax certificates, tax deeds, &c.

SECTION 27. No injunction, order or other process or order, shall be allowed or issued by any court or judge, or commissioner in this state, to enjoin or restrain the sale of any lands in the said city of Janesville, for taxes, or to enjoin or restrain the execution or recording of any deed executed in pursuance of said sales, or to enjoin, restrain or interfere with any proceedings taken, or attempted or threatened to be taken, for the collection of the taxes authorized to be collected by the provisions of this act; and no action nor proceedings shall be commenced in any court of this state, for the purpose of setting aside the taxes on any lands situated in the city of Janesville, or to invalidate or set aside any certificate of sale of lands in said city for taxes, or any tax deed conveying any lands in said city, or for the purpose of recovering the possession of land in (*in*) said city, held under a tax deed, unless the person commencing such action or proceedings shall first pay to the treasurer of said city the amount of all taxes remaining unpaid thereon, whether such taxes have been regularly assessed or not; and the person commencing such action or proceedings shall allege in his complaint or papers, either that all taxes on such lands have been paid within the time required by law for the payment thereof, or, if payment is made by virtue of this section, shall allege the amount which has been paid to the city treasurer, to enable such person to commence such action or proceedings, the time of payment, and the year for which such payment is made; and if it shall appear upon the trial or hearing of such action or proceedings, that the amount so paid is not the full amount of taxes justly chargeable upon such lands, such action or proceedings shall be dismissed, and costs taxed against the plaintiff therein.

Rights, &c., of grantors and grantees:

SECTION 28. As between grantor and grantee of any lands affected by this act, and as between any other persons interested in such lands, their rights, liabilities, obligations and equities shall remain the same as though this act had not been passed, and the taxes or assessments for each of the years mentioned herein, had been legally levied and collected, or the lands sold for the payment thereof, in each year, under the laws existing at the time said taxes or assessments should have been levied.

Accounts, extra compensation, receipts, &c.

SECTION 29. The treasurer of said city shall keep all necessary accounts under existing laws to carry out the objects of this act; and the city council shall have power to allow any city officer a reasonable compensation for any services which he may perform by virtue of this act, over and above the amount allowed him for the performance of the ordinary duties of his office, which extra compensation shall be paid out of the city treasury; and said city treasurer shall, on the payment to him of any tax, give a receipt for the same, describing the lands or specifying the amount of personal property upon which the same is paid, and shall notice in his tax roll the payment thereof.

Fees of officers and printers.

SECTION 30. In addition to the fees heretofore specifically allowed in this act, the following shall be allowed: to the city clerk, for every deed of land sold for taxes, seventy-five cents; for each additional parcel of land described therein after the first, five cents; to the person taking and certifying the acknowledgment of the same, twenty-five cents; to the city treasurer, for duplicate receipts given in the payment of taxes, ten cents; for each additional parcel of land described therein after the first, five cents; to the clerk of said city, for countersigning any receipt, ten cents. The clerk and treasurer giving deeds and receipts, shall include therein as many parcels of land bid off or owned by any person, as such person may desire, and the above fees shall be paid by such person. To the publisher of the paper who shall publish the notices of sale and tax lists, in pursuance of this act, twenty cents for each lot or parcel of land; twenty-five cents for all insertions. The fees of publication and all costs, charges and interest imposed by the provisions of this act, shall be a lien until paid, equally with the unpaid taxes.

Construction of this act, &c.

SECTION 31. This act shall be so construed as to include all taxes included in the assessment rolls for each of the years herein mentioned, and no tax assessed in accordance with the provisions of this act, shall be deemed void or voidable in consequence of any irregularity attending the proceedings authorized by this act; and no action shall be maintained to recover of said city, or any officer thereof, any money heretofore paid to said city on account of any state, county, city, ward or special tax or assessment for either of the years mentioned in this act, or on account of or for any such

outstanding certificate of sale, issued by said city, for non-payment of any such tax or assessment.

SECTION 32. This act shall be published immediately, and shall be in force from and after its passage and publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved February 21, 1862.

CHAPTER 49.

[*Published February* 28, 1862.]

AN ACT to legalize the official acts of Xavier Martin, as justice of the peace of the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the official acts of Xavier Martin, who was duly elected in April, 1858, as justice of the peace, for the term of two years, in the town of Green Bay, in the county of Brown, are hereby legalized and made as valid during said term, as if the said Xavier Martin had complied with all the requirements of the statutes before entering upon the duties of said office. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1862.

CHAPTER 50.

[*Published February* 28, 1862.]

AN ACT to change the time of holding annal [annual] meetings in school district No. one, in the town of Waukesha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual meeting of school district number one, in the town of Waukesha, shall be held on Second Monday of August.

the second Monday of August, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last annual meeting.

SECTION 2. So much of any act heretofore passed as conflicts with the provisions of this act, is hereby repealed.

Approved February 24, 1862.

CHAPTER 51.

[*Published February* 28, 1862.]

AN ACT to authorize and empower the city council of the city of Fond du Lac to extend the time for the collection of taxes in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to exceed 60 days.

SECTION 1. The city council of the city of Fond du Lac shall have power, and they are hereby authorized and empowered, to extend the time for the collection of taxes in said city, for such period of time, not exceeding sixty days, as the said city council shall deem necessary. The authority hereby given shall in no way impair or delay the prompt payment of the state and county taxes in each year, as is now provided by law, and such state and county taxes shall be paid in each year at the times and in such manner as is now by law required.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1862.

CHAPTER 52.

[*Published February* 28, 1862.]

AN ACT to repeal chapter three hundred and sixty-one of the private and local laws of 1857, entitled "an act to change the name of the village of Grafton, in the county of Ozaukee," and to restore the name thereby changed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. That chapter three hundred and sixty-one of the private and local laws of 1857, entitled "an act to change the name of the village of Grafton, in the county of Ozaukee," approved March 7th, 1857, be and the same is hereby repealed.

Name of village of Manchester changed to that of Grafton.

SECTION 2. All that part of the town of Grafton, in the county of Ozaukee, heretofore laid out, platted and recorded, as the village of Grafton, the name of which was changed by the act described in and repealed by the first section of this act, shall hereafter be known and designated as the village of Grafton; and all and every portion of the said town hereafter laid out, surveyed and platted, as an addition to said village, shall hereafter be known, designated and called "an addition to the village of Grafton."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1862.

CHAPTER 53.

[*Published February* 28, 1862.]

AN ACT to extend the time for collecting taxes in the city of Watertown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended for 30 days.

SECTION 1. The treasurer of the city of Watertown is hereby authorized to proceed, without giving other or further notice, to enforce the collection of all taxes

the second Monday of August, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last annual meeting.

SECTION 2. So much of any act heretofore passed as conflicts with the provisions of this act, is hereby repealed.

Approved February 24, 1862.

CHAPTER 51.

[*Published February* 28, 1862.]

AN ACT to authorize and empower the city council of the city of Fond du Lac to extend the time for the collection of taxes in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to exceed 60 days.

SECTION 1. The city council of the city of Fond du Lac shall have power, and they are hereby authorized and empowered, to extend the time for the collection of taxes in said city, for such period of time, not exceeding sixty days, as the said city council shall deem necessary. The authority hereby given shall in no way impair or delay the prompt payment of the state and county taxes in each year, as is now provided by law, and such state and county taxes shall be paid in each year at the times and in such manner as is now by law required.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1862.

CHAPTER 52.

[*Published February* 28, 1862.]

N ACT to repeal chapter three hundred and sixty-one of the private and local laws of 1857, entitled "an act to change the name of the village of Grafton, in the county of Ozaukee," and to restore the name thereby changed.

he people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That chapter three hundred and sixty-ie of the private and local laws of 1857, entitled an act to change the name of the village of Grafton, the county of Ozaukee," approved March 7th, 1857, and the same is hereby repealed. Repeal.

SECTION 2. All that part of the town of Grafton, in e county of Ozaukee, heretofore laid out, platted and corded, as the village of Grafton, the name of which s changed by the act described in and repealed by first section of this act, shall hereafter be known d designated as the village of Grafton; and all and ery portion of the said town hereafter laid out, surved and platted, as an addition to said village, shall reafter be known, designated and called "an addin to the village of Grafton." Name of village of Manchester changed to that of Grafton.

SECTION 3. This act shall take effect and be in force m and after its passage.

Approved February 26, 1862.

CHAPTER 53.

[*Published February* 28, 1862.]

ACT to extend the time for collecting taxes in the city of Watertown.

e people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The treasurer of the city of Watertown hereby authorized to proceed, without giving other further notice, to enforce the collection of all taxes Extended for 30 days.

Accounts, extra compensation, receipts, &c.

SECTION 29. The treasurer of said city shall keep all necessary accounts under existing laws to carry out the objects of this act; and the city council shall have power to allow any city officer a reasonable compensation for any services which he may perform by virtue of this act, over and above the amount allowed him for the performance of the ordinary duties of his office, which extra compensation shall be paid out of the city treasury; and said city treasurer shall, on the payment to him of any tax, give a receipt for the same, describing the lands or specifying the amount of personal property upon which the same is paid, and shall notice in his tax roll the payment thereof.

Fees of officers and printers.

SECTION 30. In addition to the fees heretofore specifically allowed in this act, the following shall be allowed: to the city clerk, for every deed of land sold for taxes, seventy-five cents; for each additional parcel of land described therein after the first, five cents; to the person taking and certifying the acknowledgment of the same, twenty-five cents; to the city treasurer, for duplicate receipts given in the payment of taxes, ten cents; for each additional parcel of land described therein after the first, five cents; to the clerk of said city, for countersigning any receipt, ten cents. The clerk and treasurer giving deeds and receipts, shall include therein as many parcels of land bid off or owned by any person, as such person may desire, and the above fees shall be paid by such person. To the publisher of the paper who shall publish the notices of sale and tax lists, in pursuance of this act, twenty cents for each lot or parcel of land; twenty-five cents for all insertions. The fees of publication and all costs, charges and interest imposed by the provisions of this act, shall be a lien until paid, equally with the unpaid taxes.

Construction of this act, &c.

SECTION 31. This act shall be so construed as to include all taxes included in the assessment rolls for each of the years herein mentioned, and no tax assessed in accordance with the provisions of this act, shall be deemed void or voidable in consequence of any irregularity attending the proceedings authorized by this act; and no action shall be maintained to recover of said city, or any officer thereof, any money heretofore paid to said city on account of any state, county, city, ward or special tax or assessment for either of the years mentioned in this act, or on account of or for any such

outstanding certificate of sale, issued by said city, for non-payment of any such tax or assessment.

SECTION 32. This act shall be published immediately, and shall be in force from and after its passage and publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved February 21, 1862.

CHAPTER 49.

[*Published February* 28, 1862.]

AN ACT to legalize the official acts of Xavier Martin, as justice of the peace of the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the official acts of Xavier Martin, who was duly elected in April, 1858, as justice of the peace, for the term of two years, in the town of Green Bay, in the county of Brown, are hereby legalized and made as valid during said term, as if the said Xavier Martin had complied with all the requirements of the statutes before entering upon the duties of said office. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1862.

CHAPTER 50.

[*Published February* 28, 1862.]

AN ACT to change the time of holding annal [annual] meetings in school district No. one, in the town of Waukesha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual meeting of school district number one, in the town of Waukesha, shall be held on Second Monday of August.

the second Monday of August, in each year. The hour of such meeting shall be seven o'clock in the afternoon, unless otherwise provided by a vote of the district, duly recorded, at the last annual meeting.

SECTION 2. So much of any act heretofore passed as conflicts with the provisions of this act, is hereby repealed.

Approved February 24, 1862.

CHAPTER 51.

[*Published February* 28, 1862.]

AN ACT to authorize and empower the city council of the city of Fond du Lac to extend the time for the collection of taxes in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not to exceed 60 days.

SECTION 1. The city council of the city of Fond du Lac shall have power, and they are hereby authorized and empowered, to extend the time for the collection of taxes in said city, for such period of time, not exceeding sixty days, as the said city council shall deem necessary. The authority hereby given shall in no way impair or delay the prompt payment of the state and county taxes in each year, as is now provided by law, and such state and county taxes shall be paid in each year at the times and in such manner as is now by law required.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 25, 1862.

CHAPTER 52.

[*Published February* 28, 1862.]

AN ACT to repeal chapter three hundred and sixty-one of the private and local laws of 1857, entitled "an act to change the name of the village of Grafton, in the county of Ozaukee," and to restore the name thereby changed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. That chapter three hundred and sixty-one of the private and local laws of 1857, entitled "an act to change the name of the village of Grafton, in the county of Ozaukee," approved March 7th, 1857, be and the same is hereby repealed.

Name of village of Manchester changed to that of Grafton.

SECTION 2. All that part of the town of Grafton, in the county of Ozaukee, heretofore laid out, platted and recorded, as the village of Grafton, the name of which was changed by the act described in and repealed by the first section of this act, shall hereafter be known and designated as the village of Grafton; and all and every portion of the said town hereafter laid out, surveyed and platted, as an addition to said village, shall hereafter be known, designated and called "an addition to the village of Grafton."

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1862.

CHAPTER 53.

[*Published February* 28, 1862.]

AN ACT to extend the time for collecting taxes in the city of Watertown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended for 30 days.

SECTION 1. The treasurer of the city of Watertown is hereby authorized to proceed, without giving other or further notice, to enforce the collection of all taxes

on real and personal property named in the lists put into his hands for collection, for the year 1861, by proceeding in the manner specified in title five of the revised statutes; and the time for collecting such taxes is hereby extended for thirty days after the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1862.

CHAPTER 54.

[*Published February* 28, 1862.]

AN ACT to extend the time for the collection of taxes in the town of Sparta, in the county of Monroe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to March 13th.

SECTION 1. The time for the collection of the taxes of 1861, in the town of Sparta, in the county of Monroe, and for making return thereof to the treasurer of said county, is hereby extended until the 13th day of March, one thousand eight hundred and sixty-two.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1862.

CHAPTER 55.

[*Published February* 28, 1862.]

AN ACT to authorize the extension of the time for the collection of taxes in the town of Windsor, in the county [of] Dane, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to April 1st.

SECTION 1. The time for collecting the state, county and town taxes of the town of Windsor, in the county of Dane, in this state, is hereby extended until the first day of April, A. D. 1862; and the treasurer of said town shall have the same right to levy on property and sell the same within the said time so extended, as is now allowed by law for such purposes.

SECTION 2. This act shall take effect and be in force immediately upon its passage.

Approved February 26, 1862.

CHAPTER 56.

[*Published March* 1, 1862.]

AN ACT to extend the time for collecting taxes in the town of Center, La Fayette county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extended to June 1st.

SECTION 1. The time for the collection of taxes, except the state tax, in the town of Center, in the county of La Fayette, due for the year 1861, is hereby extended until the first day of June next, until which time the treasurer of said town, by virtue of his warrant for the collection of taxes, shall have the same power and authority to receive and enforce the payment of taxes in his town, and shall proceed in the same manner as is prescribed by law.

Returns and sale of delinquent lands.

SECTION 2. The said town treasurer shall, on the first day of June next, make returns to the county treasurer of said county, of all lands upon which taxes

have not been paid; and the county treasurer shall proceed to sell the lands upon which the taxes remain unpaid, according to law.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 27, 1862.

CHAPTER 61.

[*Published March* 5, 1862.]

AN ACT to pay the general fund for stationery furnished the war department.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transfer.

SECTION 1. The secretary of state and state treasurer are hereby authorized and directed to transfer from the war fund in the treasury of this state, to the general fund, the sum of one thousand two hundred and eighty dollars and ninety-six cents, and charge the same when so transfered [transferred] to the war fund, and credit the same to the general fund, it being the amount paid from the general fund for stationery (*and*) furnished the military departments in this state for the use of the general government, to December 31st, 1861.

SECT. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1862.

CHAPTER 64.

[*Published March* 5, 1862.]

AN ACT to amend section 8 of an act entitled "an act to amend chapter 175 of the private and local statutes of the state of Wisconsin, entitled "an act to amend an act to incorporate the city of Fond du Lac, approved March 19th, 1852,'" approved February 24th, 1855.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section eight of an act entitled "an act to amend chapter 175 of the private and local statutes of the state of Wisconsin, entitled 'an act to amend an act to incorporate the city of Fond du Lac, approved March 19th, 1852,' approved February 24th, 1855," is hereby amended so as to read as follows: "The annual charter election of the city of Fond du Lac, shall be held on the first Tuesday of April, in each year." Annual election.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed. Repeal.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1862.

CHAPTER 67.

[*Published March* 5, 1862.]

AN ACT to allow the towns in Waukesha county to appropriate their license money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All moneys derived from licenses granted in the county of Waukesha, under the provisions of chapter thirty-five of the revised statutes of this state, shall be paid into the treasuries of the several towns of said county of Waukesha, where such licenses are granted, and shall be appropriated and paid out as directed by the proper town board of supervisors. To be paid into town treasuries—how appropriated.

Application of statutes.

SECTION 2. Section sixteen of chapter thirty-five of the revised statutes, shall not apply to the county of Waukesha, after this act takes effect.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1862.

CHAPTER 68.

[*Published March* 7, 1862.]

AN ACT for the relief of the town of Farmington, in the county of Polk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Equalization of assessment of 1861.

SECTION 1. The town board of equalization of the town of Farmington, in the county of Polk, as constituted for the year 1861, is hereby authorized to re-equalize the real estate upon the assessment roll of said town for the year 1861.

Warrant—extension of term of office of treasurer.

SECTION 2. The town clerk of said town shall calculate and carry out upon the assessment roll as re-equalized by virtue of this act, the taxes levied upon the property of said town for the year one thousand eight hundred and sixty-one, and shall issue his warrant for the collection of the same; which warrant shall be directed to the town treasurer of said town, elected in the year 1861, whose term of office, for the purpose of collecting said tax, is hereby extended to the first day of June next; and no further proceedings shall be had by said town treasurer in collecting the taxes on the assessment roll now in his hands.

Extension of time to collect taxes.

SECTION 3. The time for collecting the taxes in said town for the year 1861, is hereby extended till the first day of June next.

Taxes of 1862.

SECTION 4. The town clerk of said town shall calculate and carry out upon the assessment roll, as required by virtue of this act, the taxes to be levied in said town for the year 1862.

Taxes paid.

SECTION 5. No person who has paid his tax for the year 1861, as carried out upon the assessment roll now

in the hands of said town treasurer, shall be required to pay his tax as carried out upon [the] assessment roll as re-equalized for the same year; and in all cases where persons have paid their taxes for the year 1861, as carried out upon the assessment roll now in the hands of the town treasurer, if the amount paid exceed the sum carried out upon the said re-equalized assessment roll, said town treasurer is authorized to refund to such person the excess.

SECTION 6. This act shall be published immediately, and shall take effect from and after its passage and publication.

Approved March 6, 1862.

CHAPTER 73.

[*Published March* 10, 1862.]

AN ACT to extend the time for the collecting of taxes in the town of Eagle, in the county of Waukesha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for collecting the taxes in the town of Eagle, in the county of Waukesha, is hereby extended until the first Monday of April next; and the treasurer of said town shall have the same right to levy on property and sell the same within said time so extended, as is now allowed by law for such purposes: *provided*, that nothing contained in this act shall be construed to extend the time for the payment of the state or county taxes, but they shall be paid as is now provided by law. Extended to April 7th.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 74.

[*Published March* 10, 1862.]

AN ACT to amend chapter twenty-seven of the revised statutes, entitled "of the state superintendent of public property, and the purchase and distribution of stationery for the use of the state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Affidavit of agent.

SECTION 1. Section six of chapter twenty-seven of the revised statutes, is hereby amended so as to read as follows: "The aforesaid agent shall accompany his report with an affidavit, taken before some person authorized to administer oaths, that he has purchased the state stationery of the lowest bidder, after having examined at least six different proposals from wholesale stationers for purchasing such stationery, and that he has not either directly or indirectly received any bribe, present or consideration of any kind for purchasing any of such stationery, except the compensation hereby authorized."

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 75.

[*Published March* 10, 1862.]

AN ACT to legalize the assessment roll of the town of Franklin, Manitowoc county, Wisconsin, for the year 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The assessment roll of the town of Franklin, Manitowoc county, state of Wisconsin, for the year 1861, as made and adopted by the county board of Manitowoc county, is hereby legalized and declared to be valid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 77.

[*Published March* 10, 1862.]

AN ACT to authorize the village of Menasha to appropriate certain moneys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The president and board of trustees of the village of Menasha, in the county of Winnebago, are hereby authorized and empowered to appropriate the sum of twenty-five hundred dollars, heretofore raised by a tax upon the real estate of said village, under the provisions of "an act to authorize the village of Menasha to aid in the construction of railroads," approved March 24, 1860, to aid in the construction of the Chicago and Northwestern railway. Appropriation to Ch. and N. W. R. R.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 78.

[*Published March* 10, 1862.]

AN ACT appointing a day for a tax sale in the village of Menasha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. [That] the time for the sale of lots and real estate in the village of Menasha, in the county of Winnebago, for delinquent taxes for the year 1861, be and the same is hereby extended to the 20th day of March next, at which time it shall be lawful for said sale to be made, and when so made, shall be legal and valid as if the same had been made upon the day appointed by the charter of said village. The said sale shall be conducted as required by law. 20th of March.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 81.

[*Published March* 10, 1862.]

AN ACT to amend chapter 135 of the general laws of 1859, entitled "an act for the relief of Marquette county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State tax of 1858 remitted.

SECTION 1. Section one of chapter 135 of the general laws of 1859, is hereby amended so as to read as follows: "There is hereby remitted to the county of Marquette the sum of two thousand and forty-two dollars, being the amount of state tax overcharged to said county by the state board of equalization for the year 1858, which sum, together with all penalties and forfeitures which have accrued to the state by reason of the omission to pay said sum, or any part thereof, shall be passed to the credit of said county in its settlement with the state treasurer for delinquent taxes."

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 8, 1862.

CHAPTER 82.

[*Published March* 10, 1862.]

AN ACT to authorize the town of Prairie du Chien to issue bonds for [the] payment of certain indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

For payment of bonds in aid of bridge.

SECTION 1. The board of supervisors of the town of Prairie du Chien, in the county of Crawford, are hereby authorized and empowered to issue the bonds of said town of Prairie du Chien, payable in ten years from the date thereof, with interest payable annually, at the rate of five per cent. per annum, for the payment of the principal and interest due or to become due upon and in lieu of the bonds still remaining unpaid, issued by the board of supervisors of said town of Prairie du

Chien, under and by virtue of an act of the legislature of the state of Wisconsin, entitled "an act to authorize the town of Prairie du Chien to aid in the construction of a bridge across the Wisconsin river," approved March 4th, 1857.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1862.

CHAPTER 83.

[*Published March* 10, 1862.]

AN ACT to extend the time for the sale of lands for unpaid taxes for the year 1861, in the city and county of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the sale of lands for unpaid taxes, interest and charges, for the year 1861, in the city and county of La Crosse, is hereby extended to the second Monday of September, A. D. 1862. Extended to September 8th.

SEC. 2. Previous [previously] to the day of sale appointed in this act, the treasurer of the county of La Crosse and the treasurer of the city of La Crosse, shall give like notice of such sale by advertizement [advertisement] as is now required by law for the sale of lands for unpaid taxes. Notice of sale.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 84.

[*Published March* 10, 1862.]

AN ACT for the relief of the Outagamie county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Outagamie county agricultural society, pursuant to section five of chap. [chapter] 53 [of the] general laws of 1858, in the same manner as though the annual report of said society had been received in [on] the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 88.

[*Published March* 11, 1862.]

AN ACT instructing the commissioners of school and university lands to deed certain lands therein described to Martin Clancey.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

quirement.

SECTION 1. The commissioners of school and university lands are hereby required to issue a patent to Martin Clancey, of the south-west quarter of the south-east quarter, and the west half of the north-west quarter of the south-east quarter of section number twenty, in township number five north, range number twenty east.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 8, 1862.

CHAPTER 90.

[*Published March* 18, 1862.]

AN ACT to provide for the reassessment of taxes in the city of Beloit for the years 1856, 1857, 1858 and 1859.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the city of Beloit is hereby required and directed to make out a separate tax list for each of the years 1856, 1857, 1858 and 1859, on or before the third Monday in April, 1862, which tax list shall contain a schedule of all the property in said city contained in the assessment roll of said city of the year for which said tax list is made out, (and upon which state, county and city taxes are [were] required by law to be assessed when such assessment roll was made out;) and if said clerk, in making out such tax lists, shall discover that the description of any lands attempted to be described in said assessment rolls, or either of them, is imperfect or defective, it shall be the duty of said clerk to correct such description, and if more than one lot or parcel of land shall have been valued together on said assessment rolls, or any or either of them, it shall be the duty of said clerk to divide and apportion to each lot or parcel thereof, its just proportion of such valuation: *provided, however*, that no division of the valuation need be made in such case, if such lots or parcels of land so valued together, were, at the time such valuation was made, owned by the same person and occupied as one parcel.

City clerk to make out separate tax lists.

Correction of imperfect descriptions—lots to be valued separately.

Proviso.

SECTION 2. When such tax lists have been completed by said clerk, it shall be the duty of the assessors of said city of Beloit to examine the same, and if said assessors shall discover that any property in said city of Beloit, in said years, or either of them, for which said tax lists are made, is omitted therefrom, the said assessors shall set down in said tax lists respectively, in separate columns, and according to the best information they can obtain, a description of each parcel of land or other item of property so omitted from such tax lists, the names of the owners of each such lot or parcel of land and other item of property, and the just value thereof at the time the same ought to have been

Duty of assessors.

assessed; and if said assessors shall discover that any lands are described in said tax lists, and not valued, the said assessors shall set down opposite thereto, the just value thereof at the time the same ought to have been valued. The said assessors, after they have examined and corrected said tax lists, shall annex to each of said lists a certificate substantially in the following form, viz.:

Assessors' certificate.

"We, the undersigned, assessors of the city of Beloit, do hereby certify, that we have carefully examined the annexed tax list; that we have set down therein all lots and parcels of land and other items of property in the city of Beloit, in the year 185–, liable to taxation, which were omitted therefrom, and have assessed each lot, parcel and item thereof at its just value, and have set down therein the just value of such lots and parcels of land as were described therein and not valued at the time the same ought to have been assessed in said year 185–, according to our best information; and that we verily believe that said list contains a true statement of all the property in the said city of Beloit in said year 185–, liable to taxation, and the just value thereof.

"Given under our hands this —— day of ——, 1862.

——— ———} Assessors of the
——— ———} city of Beloit."

Notice of assessment to be published—what notice to state.

SECTION 3. When said tax lists shall have been completed and certified by said assessors as aforesaid, the mayor of said city shall cause a notice, signed by said mayor and the clerk of said city, to be published in a daily newspaper published in said city, (if there shall be a daily newspaper published therein, and if not, then in a weekly newspaper,) that tax lists for the reassessment of the taxes in said city, for the years 1856, 1857, 1858 and 1859, have been completed, and that said tax lists contain a description of all property in said city liable to taxation in each of said years respectively; and that all property omitted from the assessment rolls of said city, for each of said years, has been added to said tax lists, and that the same also contain the valuation of all property therein described; that said tax lists will remain in the office of the clerk of said city, open to inspection, for the term of six days from the first publication of such notice; and that any

person feeling himself aggrieved by the listing, valuation or description of any property, or by any other matter or thing contained in or connected with said tax lists, can apply to the common council of said city, at some time and place to be specified in said notice, for redress, which notice shall be published at least six days before the time of the meeting of said common council therein stated; and the said common council shall meet at the time and place specified in such notice, and hear and consider all complaints and allegations of every person so applying for redress, and shall order such corrections of the listing, valuation or description of any property described in such tax lists, as such common council shall deem just and equitable. Such correction shall be ordered by resolution, to be passed by the affirmative vote of a majority of the members of said common council present and voting thereon; and such corrections, when so ordered, shall be immediately made in said tax lists by the clerk of said city, in pursuance of such resolution of the common council. Said common council shall, if necessary, adjourn from time to time until all applications for redress shall have been heard and decided, and shall, after all corrections ordered by them have been made in such tax lists, by a resolution to be passed as aforesaid, approve said tax lists.

Common council to hear complaints and may make corrections.

SECTION 4. When said tax lists shall have been approved by the common council of said city, the clerk of said city shall apportion in each of said tax lists the amount of all state, county and city taxes required by law to be assessed, levied and collected in said city in the year for which such tax list is made out, with interest on said amount from the first day of January, in the year next following that for which such tax list is made out, to the third Monday in July, 1862, on all the property decribed in such tax list, and shall set opposite to each lot and parcel of land and other item of property in such tax list, in separate columns, the amount of said state, county and city taxes, and interest as aforesaid properly chargeable thereon, computing the amount of said state, county and city taxes, and interest as aforesaid, *pro rata* upon the value of all property in the tax list for the years [year] for which the same is made out, so that the whole amount of taxes so apportioned and set down in each tax list, shall be equal

Taxes to be apportioned after lists shall have been approved by the council.

to the amount of the annual state, county and city taxes required by law to be assessed, levied and collected in said city in the year for which such tax list is made out, with interest thereon as aforesaid, adding thereto, for the expenses of collection in each of the said tax lists for the years 1857, 1858 and 1859, five per centum, in separate columns prepared for that purpose in such lists.

Warrant to treasurer.

SECTION 5. As soon as said clerk has apportioned said taxes, he shall, on or before the second Monday in June, 1862, make out a copy of each of said tax lists; and the common council of said city shall cause to be made out and annexed to each of said copies of said tax lists, a warrant directed to the treasurer of said city, which warrant shall command the said treasurer to collect from each of the persons and corporations named in the annexed tax list, and of the owners of the lots and parcels of land therein described, the taxes set down in said tax list opposite to their respective names and to the several lots and parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, he shall levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so to be collected, after deducting his fees, he shall pay into the treasury of said city of Beloit; such warrant to be signed by the mayor and clerk of said city, and sealed with the official seal thereof; and the clerk of said city shall, on or before the third Monday in June, 1862, deliver to said treasurer each of said copies of said tax lists, with such warrant thereto annexed.

Treasurer to publish notic .

SECTION 6. Within five days after the receipt of said copies of said tax lists, with such warrants thereto annexed, the said city treasurer shall give public notice in a daily newspaper, (if there be a daily paper published therein, if not, then in a weekly newspaper,) published in said city, that tax lists containing the reassessment of taxes in said city of Beloit for the years 1856, 1857, 1858 and 1859, respectively, have been committed to him for the collection of said taxes, and that the said treasurer will receive payment of the taxes in said lists, at his office in said city, until the third Monday in July, 1862.

SECTION 7. The said city treasurer shall receive the taxes on any portion of any lot or parcel of land, or on any undivided share or interest therein, which the person paying the tax will clearly define, and shall only sell the residue or remaining interest in such lot or parcel of land, if the tax thereon remain unpaid.

Treasurer may receive taxes on portion of any lot.

SECTION 8. On all taxes paid to said treasurer on or before said third Monday in July, 1862, the said treasurer shall remit to the person paying the same, four-fifths of the said five per centum set down in said tax lists as his fees for collecting such taxes so paid.

When treasurer's fees to be remitted.

SECTION 9. If any portion of the taxes upon any property mentioned in said tax lists, or any of them, has been paid, or any payment made to the city treasurer on account thereof, for either of the said years 1856, 1857, 1858 and 1859, the amount so paid, together with interest thereon from the time of such payment to the said third Monday in July, 1862, shall be applied by the said city treasurer as a payment or part payment, as the case may be, of the taxes levied and assessed upon such property, pursuant to this act, for the year upon the account of which such payment was made; and the said treasurer shall, in like manner, receive any certificate heretofore issued by the treasurer of Rock county, upon the sale of any such property for the non-payment of the said state, county and city taxes, for either of the said years 1856, 1857, 1858 and 1859, in payment or part payment, as the case may be, of the taxes assessed and levied upon such property pursuant to this act, for the year on account of the taxes of which said property was sold and such certificate issued, and shall allow to the holder thereof the amount for which such property was sold, as specified in such certificate, and interest thereon from the date of such certificate to said third Monday in July, 1862, at the rate of seven per centum per annum; and in case there shall be any outstanding certificate of sale heretofore issued, of any lot or parcel of land for the non-payment of the state, county and city taxes thereon, for either of said years 1856, 1857, 1858 and 1859, and the taxes on such lot or parcel of land, assessed and levied pursuant to this act, shall be paid to the city treasurer, the holder of any such outstanding certificate shall be entitled to receive from said treasurer the amount specified in such certificate for which such lot or parcel of land was

Application of former payments.

Certificates of Rock co. treasurer receivable.

Payment of outstanding certificates.

sold, and interest thereon from the date of such certificate to the time such last mentioned taxes were paid.

Distress and sale of goods and chattels.

SECTION 10. In case any person shall refuse or neglect to pay the taxes imposed on him in said tax lists, or any of them, the said city treasurer shall levy the same by distress and sale of any goods and chattels belonging to such person, wherever the same may be found in the county of Rock, and shall give at least five days' notice of the time and place of sale of any property seized for the non-payment of any such taxes, by posting up not less than three notices thereof, in as many public places in said city. Said treasurer shall be entitled to the same fees for seizing and selling any such property, as constables are for like services, and shall retain from the proceeds of such sales, the amount of taxes and charges and interest for the non-payment of which such property is sold, and the costs and expenses of such seizure and sale, and pay the surplus, if any, to the owner of such property, on demand.

Fees therefor.

List of lands on which taxes remain unpaid.

SECTION 11. If, on the second Monday in August, 1862, any of the taxes on any lot or parcel of land described in the said tax lists, or either of them, shall remain unpaid or uncollected, the said treasurer shall make out a separate and complete list of all such lots and parcels of land on which the taxes have not been paid or collected, for each of said years 1856, 1857, 1858 and 1859, specifying in such lists each lot and parcel of land, the name of the person to whom assessed, if to any, and the amount of taxes and charges due thereon, with interest on the same, at the rate of twenty-five per centum per annum, from the third Monday in June 1862, to the time of the sale hereinafter mentioned. Such list shall be made in a book to be provided by said treasurer for that purpose, and after such lists are completed, the said treasurer shall add to each list a certificate signed by him, substantially in the following form, viz.:

Treasurer's certificate.

"I, ————, treasurer of the city of Beloit, do certify, that the foregoing is a correct list of all lots and parcels of land on which the taxes, interest and charges due for the year 185–, remain unpaid and uncollected, and that the sum set opposite each lot and parcel of land thereof, is the amount of taxes, charges and interest due and unpaid thereon for the year aforesaid, to the second Monday in September, 1862.

"In testimony whereof, I have hereunto set my official signature this —— day of ———, 1862.

"———, Treasurer of the city of Beloit."

List to be published and lands sold.

SECTION 12. The said treasurer shall, after said lists are completed, and on or before the third Monday in August, 1862, cause to be published in a daily newspaper, (if there be one published in said city, if not, then in a weekly newspaper,) published in said city, once a week for three successive weeks, a list for each of said years 1856, 1857, 1858 and 1859, of all lands described in the lists in his office on which the taxes, charges and interest, or any part thereof, remain unpaid and uncollected for each of said years respectively, specifying in said lists to be published, the names of the persons to whom each lot and parcel of land is assessed, if any, and the amount of taxes, charges and interest thereon as aforesaid, due on each lot and parcel of land and the year for which such taxes remain unpaid; together with a notice that so much of each lot and parcel of land described in said list as may be necessary for that purpose, will, on the third Monday in September, 1862, be sold by such treasurer, at public auction, at the office of such treasurer, in the said city of Beloit, for the payment of the taxes, charges and interest specified in such lists due thereon.

Affidavit of publication.

SECTION 13. The publisher of the newspaper in which such lists and notices are published, shall, immediately after the last publication thereof, deliver to the said city treasurer an affidavit of such publication, made by some person connected with the publishing of the newspaper in which such list and notice are published, to whom the fact of publication is known, which affidavit shall be filed and preserved in the office of said treasurer.

Sale to continue until lands are all sold.

SECTION 14. On the day designated in the notice of sale, the said city treasurer shall commence the sale of such lands on which the taxes, charges and interest shall not have been paid, and shall continue the same from day to day, (Sundays excepted,) until so much of each lot and parcel thereof shall be sold as shall be sufficient to pay the taxes, interest and charges thereon; and all moneys received in [on] such sale shall be paid into the city treasury.

How lands to be sold.

SECTION 15. The person at such sale offering to pay the taxes, charges and interest on any lot or parcel of

land for the least quantity thereof, shall be the purchaser of such quantity, which shall be designated and described by such person at the time he offers to pay the taxes, charges and interest therefor; and in case no bid shall be made for the payment of the taxes, charges and interest on any lot or parcel of land, for a portion thereof, then the whole of said lot or parcel shall be sold.

Immediate payment may be required.

SECTION 16. The said treasurer may, in his discretion, require immediate payment of every person to whom any lot or parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours after the bid, said treasurer shall declare said bid canceled, and sell the lands again; and any person so neglecting or refusing to make payment, shall not be entitled to have any bid made by him thereafter, received by said treasurer during such sale.

City may bid off lands.

SECTION 17. If any parcel of land cannot be sold for the amount of taxes, charges and interest thereon, the said treasurer shall bid off the same for said city, for such amount.

Sale not void by reason of misnomer or error.

SECTION 18. When any land is offered for sale as aforesaid, it shall not be necessary to sell the same as the property of any particular person, and if it is assessed to or should be sold as the property of any such person, no misnomer of the owner, or supposed owner, or any other mistake or error respecting the ownership of such land, shall ever affect the sale or render it void or voidable.

Certificates of sale may be assigned.

SECTION 19. The said treasurer shall give to each purchaser on the payment of his bid or bids, and if the same shall be struck off to said city, then to said city, a certificate in writing, dated the day of the sale, describing the lands purchased, the amount for which the same was sold, and the time when the purchaser will be entitled to a deed thereof, which certificate shall be assignable by the endorsement of the name of the person named as the purchaser thereon, on the back thereof, and any person's interest in such certificate, so endorsed, shall pass by a delivery thereof; and the certificates issued to the said city shall be assignable by the endorsement of the clerk of the city thereon and delivering thereof; and any person who shall pay to the said city treasurer the amount for which the land described in said certificate was sold, as stated therein, with in-

terest thereon, at the rate of twenty-five per centum per annum, from the date thereof to the time of such payment, shall be entitled to have such certificate, duly endorsed by said city clerk, delivered to him; and all such certificates shall have the same force and effect in the hands of the assignee thereof, as while owned by the purchaser at the sale.

Description of lands sold.

SECTION 20. The said city treasurer shall, immediately after such sale, deposit in the office of the clerk of said city, a statement containing a particular description of each parcel of land sold, specifying the name of the person to whom sold, and the amount for which the same was sold, and the said clerk shall record such statement in a book to be kept in his office for that purpose; and the said treasurer shall also make out and deliver to said clerk, all certificates of sales of land bid off by said treasurer; and any persons [person] desiring to purchase any such certificates, shall pay to the treasurer the amount thereof, with interest as aforesaid, and on presenting the treasurer's receipt therefor, said clerk shall endorse such certificates, and deliver the same to such person, and shall file the treasurer's receipt in his office.

Sale of certificates held by the city.

Lands may be redeemed within three months.

SECTION 21. The owner or occupant of any lands sold for taxes by virtue of this act, or any other person, may, at any time within three months from the date of the certificate of sale thereof, redeem the same, or any part thereof or interest therein, by paying to the clerk of said city, for the use of the purchaser, his personal representatives or assigns, the amount for which such land was sold, and all subsequent charges thereon authorized by the provisions of this act, or such proportion thereof as the part or interest redeemed shall amount to, with interest on the amount of purchase money, at the rate of twenty-five per centum per annum, from the date of such certificate to the time of redemption; and any such person may, in like manner, redeem the same at any time before the tax deed executed upon such sale is recorded, and when so redeemed, such tax deed shall be void.

Redemption of lands of minors.

SECTION 22. The lands of minors, or any interest they may have in lands, sold for taxes by virtue of this act, may be redeemed at any time before such minor become of age, and during the term of three months thereafter; and the lands of idiots and insane persons

so sold, or any interest they may have in the same, may be redeemed at any time within two years after such sale, and such redemption shall be made in the same manner as in the last preceding section.

Certificates of sales issued by treasurer of Rock co. receivable on redemption.

SECTION 23. The clerk of said city shall receive, in redemption of lands sold by virtue of this act, any outstanding certificate of sale heretofore issued by the treasurer of Rock county, on the sale of the same land for the non-payment of the taxes thereon for either of the years for which the tax lists mentioned in this act are made out; and said clerk shall also receive any such outstanding certificate in payment for any certificate of sale of lands bid off by said city at the sale to be held by virtue of this act, for the amount specified in such outstanding certificate executed by the county treasurer, with interest thereon, at the rate of seven per centum per annum, from the date of such certificate to the time of such redemption or purchase; and in case of the redemption of any lands sold in pursuance of this act, by delivery to said city clerk of such outstanding certificate as aforesaid, the treasurer of said city shall, on presentation of the certificate of sale of the same lands for the same year, issued in pursuance of this act, pay to the holder thereof the amount for which the land therein described sold, as stated therein, with interest thereon from the date thereof to the time of such redemption, at the rate of twenty-five per centum per annum.

Certificate of redemption.

SECTION 24. Upon the redemption of any lands sold for taxes by virtue of this act, said city clerk shall execute to the person so redeeming, a certificate specifying therein the name of the purchaser, the land redeemed, and the amount of the redemption money paid; and such clerk shall also enter on the sale list kept by him, the name of the person redeeming, the amount paid, and the time of redemption. Said certificate shall also be presented to the city treasurer, and countersigned by him, and shall then be evidence, in all courts, that the lands therein described have been redeemed from the sale for the year therein specified.

Tax deed.

SECTION 25. If any land sold for taxes by virtue of this act, shall not be redeemed as provided in this act, the clerk of said city shall, after the expiration of the term of three months from the time of such sale, on the presentation to him of the certificate of sale, execute a

deed of the land so remaining unredeemed to the purchaser, his heirs or assigns, which deed shall be substantially in the following form, viz.:

Form.

"Whereas, —— has deposited in my office a certificate executed by the treasurer of the city of Beloit, whereby it appears that the said —— (or in case of assignment, A. B., of whom the said —— is assignee,) did purchase the following lands, viz.: (here describe the lands,) at a tax sale held by said treasurer, on the — day of ——, 1862, for the sum of $——, being then due on said land for taxes, interest and charges for the year 185–; and whereas, said land is now unredeemed from such sale: now, therefore, know all men by these presents, that in consideration of the said sum of $——, and of the premises, the said above described lands are hereby granted and conveyed unto the said ——, with all the hereditaments and appurtenances thereunto belonging, and to his heirs and assigns, to their sole use and benefit forever.

"In witness whereof, I have hereunto set my hand and the official seal of said city, this —— day of ——, 1862.

"———, Clerk of the city of Beloit."

Evidence of deed.

Such deed shall be signed by the clerk, and shall have affixed thereto the official seal of said city, and shall be acknowledged by said clerk, so as to entitle the same to record; and such deed, when so executed and recorded in the office of the register of deeds for Rock county, shall be conclusive evidence, in all courts, that the taxes for the non-payment of which the lands therein described were sold, were valid, and were legally assessed on said lands; that all proceedings, from the valuation of the land up to and including the execution of such deed, were regular and are valid; and shall also be conclusive evidence of the performance of all conditions precedent, which might in any way affect the validity of said deed, or of the title intended to be conveyed thereby, and shall be sufficient and effectual to vest a title in fee simple in the grantee named therein, in and to the lands described in said deed, except that said deed shall be only *prima facie* evidence of the non-payment of the taxes, interest and charges for which the lands therein described were sold, and of the non-redemption of said lands after sale thereof and before the recording of said deed.

Deeds to city.

SECTION 26. The said clerk of said city shall execute a deed or deeds, in like manner, to said city, of all lands described in the certificates of sales issued to said city in said tax sale, which shall not have been sold and assigned by said city prior to the expiration of the time of redemption as aforesaid, and title to the lands therein described shall vest in said city, in like manner and with the same effect as when executed to natural persons; and said city is hereby authorized and empowered to take and hold title to all lands which may be conveyed to it in pursuance of this act, and to sell and convey the same, in the same manner and with the same effect that the said city is now authorized to sell and convey any lands it may own.

All taxes, &c., must be paid before action can be commenced to restrain sale of lands, or to set aside tax certificates, tax deeds, &c.

SECTION 27. No injunction, order or other process or order, shall be allowed or issued by any court or judge, or commissioner in this state, to enjoin or restrain the sale of any lands in the said city of Beloit, for taxes, or to enjoin or restrain the execution or recording of any deed executed in pursuance of said sales, or to enjoin, restrain or interfere with any proceedings taken, or attempted or threatened to be taken, for the collection of the taxes authorized to be collected by the provisions of this act; and no actions [action] nor proceedings shall be commenced in any court of this state, for the purpose of setting aside the taxes on any lands situated in the city of Beloit, or to invalidate or set aside any certificate of sale of lands in said city for taxes, or any tax deed conveying any lands in said city, or for the purpose of recovering the possession of land in said city, held under a tax deed, unless the person commencing such action or proceedings shall first pay to the treasurer of said city the amount of all taxes remaining unpaid thereon, whether such taxes have been regularly assessed or not; and the person commencing such action or proceedings shall allege in his complaint or papers, either that all taxes on such lands have been paid within the time required by law for the payment thereof, or, if payment is made by virtue of this section, shall allege the amount which has been paid to the city treasurer, to enable such person to commence such action or proceedings, the time of payment, and the year for which such payment is made; and if it shall appear upon the trial or hearing of such action or proceedings, that the amount so paid is not the full amount of taxes

justly chargeable upon such lands, such action or proceedings shall be dismissed, and costs taxed against the plaintiff therein.

Rights, &c., of grantors and grantees.

SECTION 28. As between grantor and grantee of any lands affected by this act, and as between any other persons interested in such lands, their rights, liabilities, obligations and equities shall remain the same as though this act had not been passed, and the taxes or assessments for each of the years mentioned herein, had been legally levied and collected, or the lands sold for the payment thereof, in each year, under the laws existing at the time said taxes or assessments shall have been levied.

Accounts, extra compensation, receipts, &c.

SECTION 29. The treasurer of said city shall keep all necessary accounts under existing laws to carry out the objects of this act; and the city council shall have power to allow any city officer a reasonable compensation for any services which he may perform by virtue of this act, over and above the amount allowed him for the performance of the ordinary duties of his office, which extra compensation shall be paid out of the city treasury; and said city treasurer shall, on the payment to him of any tax, give a receipt for the same, describing the lands or specifying the amount of personal property upon which the same is paid, and shall notice in his tax roll the payment thereof.

Fees of officers and printers.

SECTION 30. In addition to the fees heretofore specifically allowed in this act, the following shall be allowed: to the city clerk, for every deed of land sold for taxes, seventy-five cents; for each additional parcel of land described therein after the first, five cents; to the person taking and certifying the acknowledgment of the same, twenty-five cents; to the city treasurer, for duplicate receipts given in the payment of taxes, ten cents; for each additional parcel of land described therein after the first, five cents; to the clerk of said city, for countersigning any receipt, ten cents. The clerk and treasurer in giving deeds and receipts, shall include therein as many parcels of land bid off or owned by any person, as such person may desire, and the above fees shall be paid by such person. To the publisher of the paper who shall publish the notices of sale and tax lists, in pursuance of this act, twenty cents for each lot or parcel of land; twenty-five cents for all insertions. The fees of publication and all costs, charges and interest

imposed by the provisions of this act, shall be a lien until paid, equally with the unpaid taxes.

Construction of this act, &c.

SECTION 31. This act shall be so construed as to include all taxes included in the assessment rolls for each of the years herein mentioned, and no tax assessed in accordance with the provisions of this act, shall be deemed void or voidable in consequence of any irregularity attending the proceedings authorized by this act; and no action shall be maintained to recover of said city, or any officer thereof, any money heretofore paid to said city on account of any state, county, city, ward or special tax or assessment for either of the years mentioned in this act, or on account of or for any such outstanding certificate of sale, issued by said city, for the non-payment of any such tax or assessment.

SECTION 32. This act shall be published immediately, and shall be in force from and after its passage and publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved March 15, 1862.

CHAPTER 93.

[*Published March* 19, 1862.]

AN ACT to legalize the assessment roll of the town of Richmond, in Shawano [Shawanaw] county, for the year 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The assessment roll of the town of Richmond, Shawano [Shawanaw] county, for the year 1861, as made out by the town clerk of said town & corrected by order of the town board thereof, as to highways or road taxes, is hereby legalized & declared to be valid.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 96.

[*Published March* 17, 1862.]

AN ACT providing for the removal of the county seat of Pierce county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the annual election to be held on the first Tuesday of April, A. D. 1862, the legal voters of the county of Pierce, are hereby authorized to vote upon the removal of the county seat of said county from its present location, [in] township 26 north, of range 17 west, in the county of Pierce, to the city of Prescott, in said county of Pierce, and state of Wisconsin. Vote on proposition to remove county seat to Prescott.

SECTION 2. All votes given upon the question aforesaid, shall be by ballot, upon which shall be written or printed, or partly written and partly printed, the words, "for removal of county seat to the city of Prescott," or "against removal of county seat." Said ballots shall be deposited by the inspectors of elections in a separate box, to be by them prepared for that purpose; and in case a majority of all the votes on the question shall be in favor of removal of the county seat, then said city of Prescott shall be the county seat of Pierce county. Form of ballots.

SECTION 3. The votes cast as above provided for, shall be canvassed, certified and the result ascertained and declared by the same officers, at the same time and in the manner provided by law for canvassing, certifying and ascertaining the result of elections for county and circuit judges, and such result, when ascertained, shall, by the canvassing officers, be reduced to writing, and by them certified to be in all respects true and correct; and when the same is so reduced to writing and certified, the clerk of the board of supervisors of said county shall record the same in some county record book in his office, and shall, without delay, by mail or otherwise, transmit the original to the secretary of state, at Madison, who shall on receipt thereof file and preserve the same. How canvassed, &c.

SECTION 4. All the provisions of chapter seven of the revised statutes, relative to the "qualifications and Application of statutes.

disabilities of electors," and to the "manner of conducting general elections," shall apply to and govern the election provided for by this act.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved March 17, 1862.

CHAPTER 97.

[*Published March* 19, 1862.]

AN ACT for the relief of the Manitowoc county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Manitowoc county agricultural society, pursuant to section five of chapter fifty-three [of the] general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect from and after its passage.

Approved March 15, 1862.

CHAPTER 98.

[*Published March* 19, 1862.]

AN ACT to authorize the county board of supervisors of Monroe county to draw orders for the payment of the salary of county superintendent of schools of said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of county supervisors of the county of Monroe, are hereby authorized and required to draw orders on the county treasurer of Monroe county, for the payment of the salary of the county superintendent of schools of said county, for the year 1862, which orders shall be paid by the county treasurer of said county, on the presentation thereof, out of any moneys levied and raised in said county for county purposes. Authority.

SECTION 2. This act shall take effect from and after its passage.

Approved March 15, 1862.

CHAPTER 100.

[*Published March* 19, 1862.]

AN ACT to authorize the assessment of the real property of the town of Stockbridge, in the county of Calumet, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the assessors of the town of Stockbridge, in the county of Calumet, to assess all real property of said town for the year 1862, (*and*) which assessment shall be made and equalized, in all respects, as is now provided by law for biennial assessments and equalization, and when so completed, shall be the assessment roll of said town for the year 1862, for all purposes. Authority.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 101.

[*Published March* 19, 1862.]

AN ACT to amend chap. [chapter] 362 of the gen. [general] laws of 1860, entitled "an act relating to the Milwaukee county court."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trials to be removed from county to circuit court, in certain cases.

SECTION 1. Section five of chapter three hundred and sixty-two of the general laws of 1860, entitled "an act relating to the Milwaukee county court," is hereby amended so as to read as follows: "Whenever the place of trial of any action in said county court shall be changed on account of the prejudice of the judge thereof, or because he shall be interested or have been counsel therein, the place of trial shall be changed to the circuit court of said county, unless it shall be made to appear at the time of the application for such change of the place of trial, by the affidavit of one of the parties to the action, that one of the aforesaid objections exists to trying such action before the judge of the said circuit court, in which case the place of trial shall be changed to a county in another judicial circuit; and whenever, for any such reason, a change of the place of trial shall be granted in any action pending in said circuit court, the place of trial shall be changed to the said county court, if the action be one of which the county court has jurisdiction, according to the provisions of this act, unless it shall be made to appear by the affidavit of a party to the action, at the time of the application for such change of the place of the trial, that one of the aforesaid objections exists to trying such action before the judge of the said county court, in which case the place of trial shall be changed to a county in another judicial circuit."

Trials removed from circuit to county court, in certain cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 104.

[*Published March* 19, 1862.]

AN ACT for the relief of the Eau Claire county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Eau Claire county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received and filed previous [previously] to the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1862.

CHAPTER 105.

[*Published March* 20, 1862.]

AN ACT for the relief of the Lake Superior agricultural society of Douglass county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When order may be issued in favor of.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Lake Superior agricultural society of Douglass county, pursuant to section five of chapter fifty-three [of the] general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect from and after its passage.

Approved March 18, 1862.

CHAPTER 106.

[*Published March* 20, 1862.]

AN ACT to amend an act entitled "an act to revise, consolidate and amend the act to incorporate the city of Oshkosh, and the several acts amendatory thereof," approved March 22d, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of marshal.

SECTION 1. Section three of the third subdivision of chapter ninety-six of the private and local [general] laws of the year 1861, is hereby amended by striking out the word "four" in the last line of said section, where it occurs before the word "hundred," and insert [inserting] the word "two" in place thereof.

Fees of treasurer.

SECTION 2. Section eleven of the eighth subdivision of chapter ninety-six of the private and local [general] laws of the year 1861, is hereby amended by striking out the word "three" where it occurs immediately before the words "per cent." in the twentieth line of said section eleven, and inserting the words [word] "two" in place thereof.

Amount of treasurer's fees.

SECTION 3. Section twelve of the eighth subdivision of chapter ninety-six of the private and local [general] laws of the year 1861, is hereby amended by striking out the word "eight" where it occurs before the word "hundred" in the fifth line of said section twelve, and inserting the word "six" in place thereof.

Justice for third ward.

SECTION 4. The electors of the third ward of the city of Oshkosh may, at the charter election of said city, to be held on the first Tuesday of April, for the year 1862, and every two years thereafter, elect a justice of the peace for said third ward, who shall hold his office for the term of two years, and until his successor may be elected and qualified.

Jurisdiction, &c.

SECTION 5. The provisions of the city charter of the city of Oshkosh, relating to the election, jurisdiction, powers and duties of justice of the peace, shall apply to the justice of the peace elected under and by virtue of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1862.

CHAPTER 107.

[*Published March* 21, 1862.]

AN ACT to amend chapter 108 of the private laws of 1858, entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same;" and to amend chapter 153 of the private [general] laws of 1860, entitled "an act to amend an act entitled 'an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same,' approved March 25th, A. D. 1858, and all acts amendatory of said act."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of streets, &c.

SECTION 1. Section eighteen of chapter six of chapter one hundred and eight of the private laws of 1858, entitled "an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and amend the same," is hereby amended so as to read as follows: "The common council shall have power to cause any street, highway, lane or alley, or part of any street, highway, lane or alley, in said city, to be graded, worked, graveled, McAdamized, paved or repaved, planked or replanked and repaired, and to cause any sidewalks, crosswalks, drains, sewers and culverts to be made therein, as it shall deem necessary, and the same shall be repaired or relaid as may be ordered by said common council: *provided*, that no street, highway, lane or alley, or any part thereof, shall be graded, McAdamized, paved or repaved, planked or replanked, without a recommendation in writing, signed by a majority of the resident owners of property which is bounded by such street, highway, lane or alley on which said work is proposed to be done, or improvement made, which recommendation shall be entered at length, by the clerk, upon the record of the proceedings of the common council;" and all provisions of said section eighteen, contrary to the provisions of this section, are hereby repealed.

Proviso.

Repeal.

Specifications of work to be performed, and proposals solicited.

SECTION 2. Section nineteen of chapter six of the act referred to in section one of this act, is hereby amended so as to read as follows: "The common council, prior to ordering by resolution, ordinance or otherwise, any street, highway, lane or alley, or any part

thereof, to be graded, McAdamized, paved or repaved, planked or replanked, shall cause a plain and accurate specification of the proposed work to be prepared. The said council shall cause to be published in some daily or weekly newspaper published in said city, such specification, with a notice signed by the clerk, that on a certain day fixed in said notice, at least eight days after the first publication thereof, the common council will proceed to act in relation to the work mentioned in such specification; and said notice shall specify that sealed proposals for the performance of said work will be received by the city clerk, up to the time fixed in said notice for the opening of such proposals. Upon the day mentioned in the above required notice, all such proposals shall be opened in the presence of the common council, when the said common council shall determine which is the most favorable of such proposals, and may, by a vote of a majority of its members, accept such proposal, and authorize and direct the construction of the proposed work, and direct the expense thereof to be assessed in the manner hereinafter specified: *provided*, however, that the common council are hereby authorized to reject all of such proposals, if in their opinion they shall be deemed unreasonable. The common council may require the person or persons whose proposal or proposals may be accepted, to execute a bond with one or more sureties, and in such penalty as the said council shall approve, conditioned that the person whose proposal has been accepted, shall perform the work mentioned in such proposal, at the price and upon the terms proposed, according to the published plan and specifications, and subject to the supervision of the aldermen of the ward in which said work is to be done, or of an overseer to be appointed by said aldermen, and to the approval of the common council, with such other conditions as the said council may prescribe: 1st. In case the work shall be the grading, graveling, leveling, paving, McAdamizing or planking any street, highway, lane or alley, or any part thereof, the common council shall appoint some competent person to ascertain the aggregate front length of lots and parcels of land, on both sides thereof, limited to the proposed improvement, and the front length of each lot or parcel of land bounded on such improvement, with a correct description thereof, and the name

Proposals to be opened and award made.

All proposals may be rejected.

Bond.

Grading, paving, &c.

of the owner, if known. The said council shall then determine the expense of the whole work, including the surveying, specifications, advertising, treasurer's commission, and preparing assessment lists, and cause the average expense upon each foot front of lots and parcels of land, on both sides of such street, highway, lane or alley, excluding cross streets from the computation, to be ascertained; and each lot or parcel of land shall be assessed with its proportion of the expense, to be ascertained by multiplying its number of feet front by the average expense per foot: *provided*, that when the owner or owners of any lot or lots, parcel or parcels of land, fronting any street, highway, lane or alley where such improvement is proposed to be made, have already made any improvement on said street, highway, lane or alley, in front of his or her lot or lots, parcel or parcels of land, of the same or of similar kind and character as the proposed improvement, the lot or lots, parcel or parcels of land fronting on such street, highway, lane or alley so improved by such owner or owners, shall be excluded from the computation and assessment; and all expense of such improvement to be made, shall in such case be assessed upon the other lot or lots, parcel or parcels of land fronting on the street, highway, lane or alley where such improvement is required to be made. 2d. In case the work shall be the constructing of any crosswalk or drain across any street, lane or highway, or any drain, street or walk in front of or across any public ground, or of any culvert or sewer in any street, alley, lane or highway or public ground, and the keeping in repair of crosswalks, drains, sewers, culverts, streets, highways, lanes and alleys, after the same have been constructed, graded, graveled, leveled, McAdamized, planked or paved, as in this chapter provided, and the cleaning and cleansing the same, the expense thereof shall be paid out of the moneys mentioned in section two of chapter five of the act to which this act is amendatory, belonging to the ward in which said work shall be done. 3d. In case the work shall be the construction, repairing, relaying or replanking any sidewalk, each lot or parcel of land fronting thereon shall be assessed with its just proportion of the expense of such work. The work specified in this subdivision may be ordered by the common council, on the written application of either of

Crosswalks, drains, &c.

Sidewalks.

How work may be ordered.

the aldermen of the ward in which the proposed work is situated, at any regular meeting of said council, twenty days after filing with the city clerk a specification of the work proposed, and notice to the resident owner or owners of the several lots or parcels of land fronting thereon, requiring such owner or owners to perform the work proposed in front of [his or] their respective lots or parcels of land, according to said specification, within the said twenty days, and in default thereof, that the said work will be done by contract, without publication;" and all the provisions of section 19 of chapter 6 of the act referred to in section one of this act, contravening the provisions of this section, are hereby repealed.

School commissioner at large.

SECTION 3. Section one of chapter eight of the act referred to in section one of this act, as amended by chapter one hundred and fifty-three of the private [general] laws of 1860, entitled "an act to amend an act entitled 'an act to reduce the law incorporating the city of Janesville, and the several acts amendatory thereof, into one act, and to amend the same,' approved March 25th, A. D. 1858, and all acts amendatory of said act," is hereby amended as follows: add to the end of said section the following words: "And there shall be elected at the same time, by the qualified voters of said city, one school commissioner for said city at large, who shall, within ten days after his election, qualify in like manner as those elected by the several words, [wards,] and shall hold his office for the term of one year, and until his sucessor [successor] is elected and qualified."

Board of education.

SECTION 4. Amend section two of said chapter eight referred to in the foregoing section, by inserting after the word "elected" in line one of said section, the following words: "together with the commissioner at large."

Highway work.

SECTION 5. Each male person residing in said city who would be required to perform highway work by the general laws of this state, shall be required to perform one day's work annually on the streets and highways in said city, to be performed in the word [ward] where he resides, under the direction of the aldermen of such ward or of such person as said aldermen may appoint to superintend said work. But every such person so liable to perform work, may, at his option, pay

to said aldermen or to the person so appointed by them, at the rate of one dollar per day, in lieu of such work; and in default of the payment of said money or the performance of such labor, after having been notified to perform the same, the aldermen of the proper word [ward] shall issue their warrant to any constable of said city, for the collection from each person so delinquent, of the sum of one dollar, with all legal costs accruing from such collection.

List of persons liable to perform highway work.

SECTION 6. The clerk of said city shall annually, on or before the first Monday of May in each and every year, make or cause to be made a correct list and enrollment of all persons within the several wards, so liable to perform highway work. One copy thereof he shall deliver to the alderman having the longest time to serve in each ward, and one copy thereof shall be filed in his office.

Ibid.

SECTION 7. The aldermen of each ward, or the person appointed by them, may add to said list of persons liable to perform highway work in the several wards, the names of persons omitted who ought to have been included, and of new inhabitants or residents in the ward, whose residence in the said ward may have commenced after said lists shall have been made out by said city clerk.

Notice to persons thus liable.

SECTION 8. The alderman to whom said list shall be delivered, shall cause at least three days' notice to be given to each person in his ward liable to perform highway work, either personally or in writing, left at his usual place of abode, of the time and place within his ward where such labor will be required; and said aldermen or the persons appointed by them, may require of all persons offering to pay in labor, to furnish a spade, shovel, ax or hoe.

Performance of such work, &c.

SECTION 9. Every person intending to pay his said tax in labor, who shall, upon notice required to be given, appear and work agreeably to the direction of said aldermen or of the person appointed by them as an overseer, shall be credited on his tax one dollar for each day's work of eight hours actually performed by him. If any person notified shall neglect to appear and work on any street, highway or lane, at the time and place specified in the notice required to be given, such person shall not thereafter be entitled to pay his highway tax for that year in labor.

Authority to and duty of person receiving warrant.

SECTION 10. Every constable to whom any warrant shall be delivered as above provided, shall have the same power and authority, and proceed in the service of said warrant and in the collection of said taxes, and in making return of said warrant, in the same manner as prescribed by sections thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three and forty-five of chapter nineteen of the revised statutes, relating to overseers of highways and constables; and shall, within thirty days from the date of said warrant, pay over to the alderman issuing the same, all moneys by him collected by virtue thereof.

Expenditure of highway taxes.

SECTION 11. The aldermen of each ward in said city, shall faithfully apply and expend all moneys collected on account of said highway taxes, in procuring labor and in the purchase of implements and materials deemed by them most beneficial for repairing streets, highways and lanes in their respective wards; and shall annually, at the first regular meeting of the common council in the month of December, make a report of all moneys so collected and expended by them; and if there shall be any unexpended balance in their hands, shall pay over the same to the city treasurer, for the benefit of the ward fund of the ward in which the same may have been collected, and said treasurer shall credit the same to said ward fund.

Correction of errors, &c.

SECTION 12. The common council shall have power to alter, amend and correct any error, omission or mistake in the description or valuation of any lot or parcel of land set down, or that should be upon the assessment roll of said city, for any year, prior or subsequent [subsequently] to the passage of this act, [and] to set aside the sale and to cancel any certificate of sale of any lot or parcel of land heretofore or [that may be] hereafter made by the treasurer of said city, for any error, illegality or inequality, at any time before a deed shall be made upon such certificate.

Amendment.

SECTION 13. Section eighteen of chapter seven of the act referred to in section one of this act, is hereby amended by striking out the words "treasurer's deeds of sale," where they occur in said section, and inserting in lieu thereof the words, "deeds of sale executed under the provisions of this act."

All taxes, &c., must be paid before action can be commenced to restrain sale of lands, or to set aside tax certificates, tax deeds, &c.

SECTION 14. Section 21 of chapter seven of said act, as amended by an act approved March 21st, 1860, is hereby amended as follows: after the word "provided," at the end of said section, add the following words: "No injunction, order, or other process or order, shall be allowed or issued by any court or judge, or commissioner in this state, to enjoin or restrain the sale of any lands in the said city of Janesville for taxes, or to enjoin or restrain the execution or recording of any deed executed in pursuance of said sales, or to enjoin, restrain or interfere with any proceedings taken, or attempted or threatened to be taken, for the collection of taxes; and no action or proceedings shall be commenced in any court of this state for the purpose of setting aside the taxes on any lands situate in the city of Janesville, or to invalidate or set aside any certificate of sale of land in said city for taxes, or any tax deed conveying any land in said city, or for the purpose of recovering the possession of lands in said city, held under a tax deed, unless the person or persons commencing such action or proceedings shall first pay to the treasurer of said city the amount of all taxes remaining unpaid thereon, whether such taxes have been regularly assessed or not; and the person commencing such action or proceedings shall allege in his complaint or papers, either that all taxes on such lands have been paid within the time required by law for the payment thereof, or if payment is made by virtue of this section, he shall allege the amount which has been paid to the city treasurer, to enable such party to commence such action or proceedings, the time of payment and the year for which such payment is made; and if it shall appear upon the trial or hearing of such action or proceedings, that the amount so paid is not the full amount of taxes justly chargeable upon such lands, such action or proceedings shall be dismissed, and costs taxed against the plaintiff."

Costs not recoverable.

SECTION 15. No costs shall be recovered against the defendant in any action where the same is commenced to set aside any tax or tax deed, or to prevent the collection of taxes in said city.

Acts declared valid.

SECTION 16. The assessment upon the real estate for the taxes levied in the years 1858, 1859, 1860 and 1861, in the city of Janesville, and the advertising of said real estate for unpaid taxes, for the years afore-

said, and all the proceedings had thereon, are hereby declared to be valid and binding to all intents and purposes, the same as if all the provisions of law then in force, relative to the collection of taxes, advertising, &c., &c., of lands for unpaid taxes, had been fully complied with; and the omission or neglect to do any act required to be done by law, shall not in any manner invalidate or obstruct such proceedings.

Repeal.

SECTION 17. All acts in conflict with this act, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1862.

CHAPTER 109.

[*Published March* 22, 1862.]

AN ACT to repeal chapter 181 of the private and local laws of 1859, entitled "an act to provide for a special tax to improve a road therein named."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. That chapter one hundred and eighty-one of the private and local laws of 1859, entitled "an act to provide for a special tax to improve a road therein named," approved March 17th, 1859, be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1862.

CHAPTER 111.

[*Published March* 22, 1862.]

AN ACT to amend chapter seventy-eight of the private and local [general] laws of 1861, approved March 19th, 1861, entitled "an act to amend an act entitled 'an act to incorporate the city of Mineral Point,' approved March 2d, 1857, and [also] acts amendatory thereof, approved March 25th, 1858, March 17th, 1859, and March 9th, 1860."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of orders not to exceed that of tax.

SECTION 1. Section one of chapter seven of chapter seventy-eight of the private and local [general] laws of 1861, approved March 19th, 1861, entitled "an act to amend an act entitled 'an act to incorporate the city of Mineral Point,' approved March 2d, 1857, and also acts amendatory thereof, approved March 25th, 1858, March 17th, 1859, and March 9th, 1860," is hereby amended by adding thereto as follows: "But the common council of said city shall not issue in any one year a greater amount of city orders, (for purposes other than for building school houses,) than the amount of the tax authorized to be levied for the general expenses of the city for such year; and no interest shall ever be paid by said city on any city order, except on orders issued for the purpose of building school houses."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1862.

CHAPTER 113.

[*Published March* 27, 1862.]

AN ACT providing for appeals in certain cases, in the county of St. Croix.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appeal undetermined in county court, to be deemed pending in circuit court.

SECTION 1. The circuit court for the county of St. Croix, shall have and exorcise [exercise] exclusive appellate jurisdiction in all cases of appeals from justices

of the peace in said county; and all appeals which may be pending in the county court of said county, and undetermined on the first day of May, 1862, shall be considered and deemed to be pending in the circuit court in and for said county of St. Croix; and the said circuit court is hereby authorized and required to take jurisdiction of all such appeals, and to hear, try and determine the same, in all respects as though the same had been commenced in such circuit court. And it is hereby made the duty of the clerk of the county court of said county, to certify all appeals that may be pending in said county court, and undetermined on said first day of May, 1862, to the said circuit court; and such certificate shall be sufficient evidence to authorize said circuit court to take jurisdiction of said appeals, as herein provided.

SECTION 2. All acts or parts of acts contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect & be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 115.

[*Published March* 26, 1862.]

AN ACT to extend the time for the redemption and for the publication of a list of certain unredeemed lots and lands sold for taxes in the county of Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time extended one year.

SECTION 1. The time for redemption of all those lots and lands sold for taxes in April, 1859, in the county of Sheboygan, which were not included in the published list of unredeemed lands so sold, is hereby extended for one year; and the clerk of the board of supervisors of said county is hereby authorized and required to cause a list of the same to be published at least six months before the expiration of that [the] time so extended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1862.

CHAPTER 117.

[*Published March* 26, 1862.]

AN ACT to perfect the records of Green Lake county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The supervisors of Green Lake county are hereby empowered to employ some suitable person to compare so much of the records of Green Lake county with the original records of Marquette county, as they may deem necessary, with authority to correct and perfect the same, and also to make such additional transcripts as may be necessary to complete and perfect the records of said county of Green Lake; and the person so appointed, after having perfected and compared said records as aforesaid, shall make and annex to said records a proper certificate or certificates, that such transcripts are full and complete copies of the original records, and of the whole thereof. When the records of said county of Green Lake shall have been completed and authenticated as hereinbefore mentioned, they shall be admitted and received in evidence in any action or proceeding, in like manner and with the same effect as the original records of Marquette county could be received in evidence.

Appointment of person to perfect records.

Records may be admitted in evidence.

Approved March 22, 1862.

CHAPTER 118.

[*Published March* 26, 1862.]

AN ACT authorizing the clerk of the county board of supervisors of Portage county to assess and levy a tax on the town of Pine Grove, in said county, and the sheriff in said county to collect the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to levy taxes to amount of $638 56.

SECTION 1. The clerk of the county board of supervisors of the county of Portage, is hereby authorized and directed to assess and levy upon the equalized assessment roll of 1860, of the town of Pine Grove, in said county of Portage, a state tax of seventy-eight dollars and seventy-two cents, [and] a county tax of five hundred and fifty-nine dollars and eighty-four cents; and to make out an assessment roll for the collection of the same, in due form of law, and to annex his warrant thereto for the collection of the same, which warrant shall be directed to the sheriff of said county of Portage, commanding him to collect from each of the persons and corporations named in the annexed assessment roll, and of the owners of the real estate described therein, the taxes set down in such roll opposite to their respective names and to the several parcels of land therein described, which said taxes shall be collected and returned by said sheriff to the county treasurer of Portage county, in the same way and manner that a town treasurer is now required by law to collect and return taxes.

Sheriff to collect.

SECTION 2. The sheriff of Portage county is hereby authorized and directed to receive said assessment roll and warrant from said clerk of the county board of supervisors of Portage county, and by himself or a deputy to proceed to collect the taxes charged in such roll; and for that purpose shall call at least once on each person taxed, or at his usual place of residence, if in his county, and shall demand payment of the taxes charged to him on such roll; and shall receive, as fees for collecting and returning said tax, the same that a town treasurer would be, by law, entitled to receive for collecting and returning the same, and shall make re-

Fees therefor.

turn of said assessment roll and warrant to the treasurer of Portage ceunty, within ninety days after receiving the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1862.

CHAPTER 121.

[*Published March* 26, 1862.]

AN ACT to authorize the board of supervisors of Marathon county to audit and pay certain claims.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to audit claims for opening certain road.

SECTION 1. The board of supervisors of the county of Marathon, are hereby authorized to audit and allow claims for services rendered in opening or working upon a certain road established, or intended to be established, in said county of Marathon, by the board of supervisors of said county, by an order adopted by said board, at their annual session held in November, 1861; said claims to be presented to said board and verified by affidavit, in the same manner as other claims against the county.

County orders to be issued in payment.

SECTION 2. When said claims shall have been audited and allowed as aforesaid, the board of supervisors of said county shall issue county orders in payment thereof; and such county orders shall, in all respects, be as valid and binding against said county of Marathon, as other county orders issued in payment of county indebtedness.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 122.

[*Published March* 26, 1862.]

AN ACT directing the disposition of moneys received for license [licenses] granted in the several towns in the county of Milwaukee, in pursuance of chapter 35 of the revised statutes, entitled "of excise."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be paid into town treasuries—how disbursed.

SECTION 1. All moneys which shall hereafter be received for license [licenses] granted in the several towns in the county of Milwaukee, in pursuance of chapter thirty-five of the revised statutes, shall be placed in the treasury [treasuries] of the several towns where such license was [licenses were] granted, and such license money shall be disbursed the same as the other town funds.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 123.

[*Published March* 26, 1862.]

AN ACT to provide for keeping in repair the highways, streets, alleys and bridges of the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wards to be divided into districts.

SECTION 1. It shall be the duty of the common council of the city of Oshkosh, on or before the third Monday in March, 1862, to divide each ward of said city into so many road districts as it shall judge convenient. Such division shall be recorded by the city clerk in a book kept for that purpose in his office. After such division shall have been made, no alteration in the boundaries of any road district shall be made by the city council until public notice of such intention shall be given by the city clerk in the official paper of the city:

SECTION 2. On or before the 3d Monday in March, 1862, and annually thereafter, the mayor shall appoint a suitable person in each of such districts as overseer of highways, who shall hold his office for the term of one year and until his successor is appointed. Appointment of overseers.

SECTION 3. The common council shall, before the third Monday of March of each year, assess a highway tax for the ensuing year. Highway tax.

SECTION 4. Each overseer of highways shall, within sixteen days after his appointment, deliver to the city clerk a list subscribed by him, of the names of all the inhabitants of his road district, who are liable to pay a poll tax. If the overseer shall neglect or refuse so to do, he shall be deemed to have vacated his office, and the mayor of the city shall forthwith appoint some suitable person in his place and stead. Upon making such appointment, the mayor shall file a notice thereof with the city clerk, who shall immediately notify the person so appointed. Duty of overseers.

SECTION 5. The common council shall cause to be made out by the city clerk, separate lists for each ward and district, of the names of all persons liable to pay highway taxes in each district, which list shall also contain a statement of all the taxable personal property, and a description of all lots or parcels of land within each such district, with the value of each lot or parcel set opposite to such description, as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel forms a part. Lists of names and of taxable property.

SECTION 6. In making an assessment of highway taxes, the city council shall proceed as follows: 1st. Every male inhabitant in each road district, being over the age of twenty-one years and under the age of fifty years, excepting persons of color, paupers, idiots and lunatics, shall be assessed to pay a poll tax of one dollar. Said tax may be paid to the overseer in cash, or be commuted for in labor as now provided by law. 2d. The residue of the highway tax, to an amount of not less than one or more than seven mills on the dollar, shall be assessed on the valuation of the real and personal property in each district. 3d. The common council shall cause to be set opposite to the name of Manner of making assessments.

each person and corporation, and to each description of taxable property, the amount of tax charged to each respectively.

Duplicate lists.

SECTION 7. The common council shall cause to be made duplicates of the several lists, which shall be subscribed by the mayor, one of which lists for each road district shall be filed by the city clerk in his office, and the other shall be delivered to the overseer of highways of the district in which the highway labor therein specified, is assessed.

Warrant.

SECTION 8. The common council shall cause to be annexed to each such tax list; a warrant signed by the mayor and city clerk, which shall be in substance in the following terms:

Form.

"*To A. B., overseer of road district No.* —, *in the city of Oshkosh:*

"You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to the names of such persons, corporations and property, within the time limited by law, and to apply the taxes by you collected, and make due returns as the law requires.

"Dated the —— day of ——, 18—.

"C——— D———, Mayor.

"A——— B———, City clerk."

Names omitted to be added.

SECTION 9. The names of persons left out of any such list, and who ought to have been included therein, and of new inhabitants who have not in the same year been assessed in some other place for highway taxes, shall be from time to time added to the several lists and assessed by the overseers in their polls, and in proportion to their taxable property, as others are assessed on such lists by the common council, to pay taxes on the highways, subject to an appeal to the common council.

Assessment of occupant of lands.

SECTION 10. Whenever the occupant of any land not owned by him, shall be assessed therefor by the common council, it shall distinguish in the assessment, the amount charged upon such land from the personal tax, if any, of such occupant; but when any such land shall be assessed in the name of the occupant, the owner thereof shall not be assessed during the same year to pay a highway tax on account of such land.

SECTION 11. Whenever a tenant of any land for a less term than twenty years, shall be assessed to pay a highway tax on account of such lands, pursuant to the last section, and shall actually pay such tax, he shall be entitled to a deduction from the rent due or to become due from him for such lands, equal to the full amount of such tax, or he may recover the same of his landlord in an action for money paid out for his benefit, unless otherwise provided by agreement between such tenant and his landlord. Deduction from rent of tenant.

SECTION 12. Every overseer of highways shall cause at least one-half of the amount of highway tax assessed in his district to be collected and expended as the law requires, before the first of July, and the residue by the first day of November, in each year. When tax to be expended.

SECTION 13. It shall be the duty of every overseer of highways, to give at least three days' notice to all persons residing in his district, assessed to pay highway taxes therein, either personal or in writing left at their usual place [places] of abode, of the time when, and (*in*) the place where they may appear and pay their highway taxes in labor, and with what implements. Notice to be given.

SECTION 14. All persons assessed to pay highway taxes in such district, may appear at such times and places therein, and with such teams and implements as the overseer in the notice mentioned in the preceding section may direct, and work in person or by an able bodied substitute. Tax may be worked.

SECTION 15. Every overseer of highways may require of all persons offering to pay their highway taxes in labor, to furnish a spade, shovel, ax or hoe, and any person offering to pay such tax in labor, and who is the owner of a team, plow, wagon or cart, or other implement useful for working the highways, may be required by such overseer to furnish such team, plow, wagon or cart, or other implement, if the assessment of such person on such highways be not less than three dollars. Tools to be furnished.

SECTION 16. Every person intending to pay any highway tax assessed against him, or any part thereof, in labor, and who shall, upon the notice required to be given by the overseer, appear and work agreeably to the direction of such overseer, shall be credited on his tax one dollar for every day he shall actually work $1 per day allowed for work.

eight hours on such highway, and fifty cents a day for every wagon or plow, and seventy-five cents for each yoke of oxen, and one dollar and twenty-five cents for each span of horses, he shall furnish agreeably to the requirements of said overseer.

Pay of overseer.

SECTION 17. If any overseer shall be employed more time in executing the several duties enjoined upon him by this act, than shall be necessary for the payment of his highway tax, he shall be paid for the excess at the rate of one dollar per day, and be allowed to retain the same out of the moneys that may come into his hands on account of highway taxes, but he shall not be allowed to pay his own highway tax in money.

Penalty.

SECTION 18. If any person assessed to pay a highway tax, shall neglect to appear and work upon the highway at the time and place specified in the notice required to be given by the overseer, unless satisfactory cause shall appear to such overseer for such neglect, such person shall not thereafter be entitled to pay his highway tax assessed for that year, or any part thereof, in labor.

Persons taxed to be notified.

SECTION 19. It shall be the duty of the overseer of highways, whenever any person shall become liable to pay the highway tax assessed against him in money, as prescribed in the preceding section, to collect such tax; and for that purpose, said overseer shall call at least once on the person taxed, or at the place of his residence, if in such district in which such overseer has been appointed, and demand payment of taxes charged to such person.

Collection by distress and sale.

SECTION 20. In case such person shall refuse or neglect to pay the tax charged against him, such overseer shall levy the same by distress and sale of the goods and chattels of the person who ought to pay the same.

Notice of and sale of property.

SECTION 21. Such overseer shall give public notice of the time and place of sale, and of the property to be sold, at least six days previous [previously] to the time of sale, by advertisement, to be posted up in at least three public places in the district where such sale shall be made; the sale to be by public auction.

Excess to be returned.

SECTION 22. If the property levied upon shall be sold for more than the amount of tax and costs, the

surplus shall be returned to the person from whom the property was taken.

SECTION 23. Every overseer shall be entitled to retain five per cent. for his fees out of all moneys collected by him on his warrant, and in case of a levy and sale by him of goods and chattels for the payment of any tax, he shall be entitled to collect and receive for the same, such fees as constables are entitled to receive for levying upon and selling goods under execution. Fees of overseers.

SECTION 24. It shall be lawful for any overseer of highways, for the purpose of collecting any unpaid highway taxes on his tax list against any person or persons who shall have become liable to pay the same in money, to place such tax list in the hands of the city marshal or any constable of the city, who shall possess the same powers in the collection of such tax, and be entitled to receive the like compensation, as overseers of highways in like cases. List may be placed in hands of marshal or constable for collection.

SECTION 25. Whenever any overseer of highways shall place his tax list in the hands of a constable or the city marshal for collection, as provided in the preceding section, he shall designate the persons named therein from whom taxes are due in money, and he shall endorse over his signature, on such tax list, in substance as follows: Authority to officer.

"I hereby authorize A. B. (naming the constable) to collect the unpaid taxes due in money on the within tax list.

"Dated ————, 18—.

"C—— D——, Overseer."

SECTION 26. The marshal or constable who shall receive any such tax list to be collected, shall to the best of his ability collect the sums due in money on such tax list from the persons who ought to pay the same, and shall, within thirty days from the date of such endorsement on said tax list, return to the said overseer his doings thereon, and pay over all moneys so collected to such overseer. And any overseer, if he shall deem it necessary, may at once reissue such warrant and tax list in the manner specified in the preceding section, and when so reissued, the marshall [marshal] or constable shall proceed thereon as herein above provided. Return of officer—warrant may be renewed.

SECTION 27. Moneys collected or received by any Application of moneys.

overseer of highways on account of highway taxes in his district, shall be faithfully applied and expended by such overseer in the procuring of labor and in the purchase of implements and materials, as in the opinion of said overseer will most benefit the highways and bridges in his district.

List of delinquent taxes to be annually made.

SECTION 28. Every overseer of highways shall, on or before the second Monday in November in each year, make out and deliver to the city clerk of his city, a statement in writing, containing a description of all the real estate taxed in his tax list, upon which the taxes remain unpaid, together with the amount of tax assessed to each such description of land, and the names of the owners thereof, if known, and he shall make and subscribe an affidavit thereon, before some justice of the peace or other person authorized to administer oaths, that the taxes mentioned in said statement remain unpaid. If the said overseer shall neglect or refuse to make out and deliver to the city clerk such statement as aforesaid, the mayor and city clerk shall issue a warrant under their hands to the city marshal or any constable of the city, commanding him forthwith to bring such overseer before them, to show cause why such statement has not been made as the law requires. The marshal [marshal's] or constable's fees for such service shall be paid by such delinquent overseer.

If overseer neglect, &c.

Collection of delinquent taxes.

SECTION 29. The city clerk shall, in the duplicate assessment roll of the city next thereafter, enter such unpaid taxes therein opposite the descriptions of the land upon which the taxes so remain unpaid, and such taxes shall be collected in the same manner as city taxes are collected, and when so collected, shall be paid over as hereinafter provided, for the use of the district in which they were originally assessed.

Duty of treasurer.

SECTION 30. It shall be the duty of the city treasurer, between the fifteenth and thirtieth days of April, in each year, to notify the overseer of highways of every road district in his city which may be entitled to any moneys in the city treasury, accruing from returned highway taxes in such district, or from any balance received from a former overseer; and the said treasurer shall pay to the order of the overseer of each road district all moneys in his hands belonging to such district, for the construction and improvement of roads and bridges therein.

SECTION 31. Every overseer of highways shall, on or before the third Monday in March, in each year, render to the city council an account in writing, verified by his affidavit subscribed thereon, before some person authorized to administer oaths, containing, 1st. The names of all persons assessed to pay a highway tax in his district. 2d. The amount of tax collected from each such person and from other sources, distinguishing the taxes which have been paid in labor from those which have been paid in money. 3d. The amount of money received from the city treasurer, on account of returned taxes on real estate, or paid into the city treasury by a former overseer in such district. 4th. The manner in which all taxes collected and received by him have been disbursed, and the particular items of such disbursements. 5th. A statement of the highway taxes assessed upon real estate in his district, which remain unpaid. Annual statement of overseers.

SECTION 32. If any person shall, in any year, pay voluntarily more than the amount of his road tax for such year, it shall be the duty of the overseer to credit such overpayment upon the tax list to such person, and return the amount thereof to the city clerk, and the same shall be applied on such person's future road taxes. Overpayment.

SECTION 33. If, upon rendering such account, any moneys shall remain unexpended in the hands of such overseer, he shall immediately pay over the same to the city treasurer. If any overseer shall neglect or refuse to pay over any money remaining in his hands as required in the preceding section, it shall be the duty of the city treasurer forthwith to sue for the same in his name of office, in an action for money had and received to the use of such treasury, which money, when collected, shall be applied as provided in the thirtieth section. Balance in hands of overseers to be paid to treasurer.

SECTION 34. If any person assessed to pay a poll tax, shall neglect or refuse so to do, the overseer shall make a complaint before any justice of the peace, who shall thereupon cause such person to be arrested and fined not less than two or more than five dollars, and in default of said fine and costs being paid, the justice shall commit such person to prison for a term of not less than three or more than six days. Any fines collected by justices of [the] peace in pursuance of this Penalty for refusal to pay poll tax.

of Jackson, or which may come into the hands of said treasurer under the provisions of this act, for the period of two years from and after the passage of this act; and such fund shall, when so loaned as aforesaid, be paid out by said county treasurer, for the purposes and upon the order of the commissioners hereinafter named.

To be expended in building jail.

SECTION 3. The funds mentioned in the preceding sections of this act, when loaned to the county of Jackson as aforesaid, shall be used and expended in the construction and erection of a jail at the county seat of the said county of Jackson.

Commissioners —their duties.

SECTION 4. Russel C. Bryan, Jacob A. Johnson and Ira B. Allen, are hereby appointed commissioners for said county, and shall have the superintendence of the work done in the construction and erection of said jail, and the expenditure of the moneys by this act applied to the building of said jail. The commissioners may draw orders on the county treasurer of Jackson county, payable from the drainage fund. They may employ such laborers or let such contracts as they may deem necessary. They shall keep a record of their doings and vouchers for all moneys, and shall make a full report of their doings and expenditures to the board of supervisors at the November session, in 1863.

Their salary.

SECTION 5. Each commissioner named in section three of this act, shall receive for his services the sum of one dollar per day for all time necessarily employed in the discharge of his duties required by this act, to be paid out of the said drainage fund: *provided*, that no greater sum than twenty-five dollars shall be paid to said commissioners for their services.

SECTION 6. This act shall take effect from and after its passage.

Approved March 21, 1862.

CHAPTER 127.

[*Published March* 27, 1862.]

AN ACT to authorize the publication of the list of the delinquent taxes of the year 1858, in the county of Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the redemption of lands in the county of Chippewa, sold in the month of June, 1859, for the taxes of 1858, is hereby extended to the twentieth day of October, 1862; and the clerk of the board of supervisors of said county, is hereby authorized and required to publish a list of all such unredeemed lands, in the manner required by section sixteen of chapter twenty-two of the general laws of 1859, at least six months before the expiration of the time fixed by this act for redeeming said lands; and such publication and the tax deeds given for any of said lands for the taxes of 1858, shall be as legal and valid as though made at the proper time and in the proper manner, as required by chapter twenty-two of the general laws of 1859, and the acts amendatory thereof.

Redemption extended to Oct. 20th, 1862.

When list to be published.

Validity of publication and deeds.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 21, 1862.

CHAPTER 130.

[*Published March* 27, 1862.]

AN ACT to authorize the commissioners of school and university lands to convey a certain island in the Chippewa river to Ira Mead.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of school and university lands are hereby authorized to convey, by patent, to Ira Mead, a certain island in the Chippewa river, in the county of Eau Claire, situate near the north-

Authority

east shore of said river, and west of fractional lots one and two, in section five, township twenty-seven north, of range nine west, when the said Ira Mead shall have complied with the conditions hereinafter named.

Proof of ownership, &c.

SECTION 2. The said Ira Mead, or his legal representatives, shall, within one year from the date of the passage of this act, furnish satisfactory proof to said commissioners of his or their ownership of the land lying along the bank of said river nearest said island, and pay the state of Wisconsin for all land contained in said island, at the rate of one dollar and twenty-five cents per acre; the amount of said land to be ascertained from a certain plat and certificate of survey of said island, made by H. C. Putnam, county surveyor of Eau Claire county, and now on file in the office of the secretary of state, as a condition precedent to the obtaining of said conveyance.

Price.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved March 22, 1862.

CHAPTER 132.

[*Published March* 27, 1862.]

AN ACT to vacate certain additions to the plat of La Crosse; also, to vacate certain village plats in La Crosse county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additions to La Crosse.

SECTION 1. The following additions to the late (*the*) village of La Crosse, to the city of La Crosse, and the village plats or additions thereto, in the county of La Crosse, are hereby vacated, viz.: "Lumberman's addition," "Central addition," "Railroad addition," "Pike and Company's addition," "Reynold's addition," "Durand and Hill's addition," "Reynold and Smith's addition," "E. S. B. Vail's (second) addition," "Farnham's addition," "Looney and Wright's addition," "Stoddard and Tyler's addition."

Other additions.

SECTION 2. The village plats of the village of Stevenstown, Northern addition to North La Crosse, and

"McConnell and Whittlesey's addition" to North La Crosse, all situate in La Crosse county, are hereby vacated.

Haw land to be appraised.

SECTION 3. The lands upon which the said plats have been laid out, shall hereafter be appraised and assessed irrespective of subdivisions into blocks and parts of blocks, streets and alley-ways, and the assessors of said city and the assessors of the several towns in which said several plats are situate, are hereby authorized and required, on or before the first day of June next, to amend their respective assessment rolls in accordance with the provisions of this act.

If assessor be absent, &c.

SECTION 4. If any assessor referred to in the last preceding section, shall be absent, or for any other reason unable to comply with the provisions of this act, it shall be the duty of the common council of said city, and the board [boards] of supervisors of the several towns, to appoint a suitable person to appraise said lands and make and certify said amendment to the assessment roll.

SECTION 5. This act is hereby declared a public act, and shall take effect from and after its passage.

Approved March 21, 1862.

CHAPTER 133.

[*Published March* 27, 1862.]

AN ACT to provide for the disposal and expenditure of the drainage fund moneys in Shawanaw county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Money to be paid to county treasurer.

SECTION 1. That portion of the interest of the drainage fund which is due the county of Shawanaw for the year 1862, shall be paid over to the county treasurer of said county, at the same time with the money due to said county from the school fund for that year, and shall be paid out by said county treasurer, only on the order of the commissioners hereinafter mentioned, for said county, as hereinafter directed.

To be expended on road.

SECTION 2. The moneys mentioned in section one of this act, shall be expended on and for the improvement of that portion of the Shawanaw and Shiock road lying within the said county of Shawanaw, under the direction of the commissioners hereinafter appointed for said county.

Commissioners—their salary.

SECTION 3. Charles M. Upham, Almon M. Andrews and Frank C. Webster, are hereby appointed commissioners for said county; and they shall have the superintendence of the work to be done on said road, and shall direct the expenditure of said moneys, and shall receive such compensation, not to exceed two dollars per day, as the board of supervisors of said county shall audit and allow, for services actually rendered in working on said road.

Their powers.

SECTION 4. Said commissioners shall have entire control and superintendence of the expenditure of the moneys mentioned in section one of this act. They may draw orders on the county treasurer of said county, payable from the drainage fund, and employ such overseers and laborers, and let such contracts, as they may deem necessary. They shall keep a record of their doings and vouchers for all moneys drawn out by them, and shall make a full report of their doings and expenditures to the county board of supervisors of said county, at the November session of 1862.

SECTION 5. All acts and parts of acts in so far as they contravene the provisions of this act, are hereby repealed.

Approved March 22, 1862.

CHAPTER 136.

[*Published March* 28, 1862.]

AN ACT to amend chapter 327 and chapter 332 of the private and local laws of 1856, entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof."

[AN ACT to amend chapter 327 of the private and local laws of 1856, entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof," and chapter 332 of the private and local laws of 1857, an act amendatory of the above entitled act.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section nine of chapter seven of chapter three hundred and twenty-seven of the private and local laws of 1856, entitled "an act to consolidate and amend an [the] act to incorporate the city of Watertown, and the several acts amendatory thereof," is hereby amended so as to read as follows: "On the receipt of such tax list, the treasurer shall give one week's notice thereof in some newspaper published in said city. Such notice shall state that the taxes on real and personal property must be paid within thirty days from the first publication of said notice; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same." Notice of receipt of tax list by treasurer to be published.

SECTION 2. Section ten of chapter seven of said act, is hereby amended so as to read as follows: "On the expiration of the thirty days mentioned in the preceding section, the treasurer shall proceed to enforce the collection of state, county and city taxes, both on real and personal property, in the manner specified in title five of the revised statutes; and if any such taxes shall not be paid or collected in consequence of the neglect or delay of the treasurer, the common council may sue for and recover the amount thereof from the said treasurer and his sureties. In case any state, county or city taxes shall not be paid within the time limited in the ninth section of this chapter, the treasurer may issue his warrant, directed to the city marshal, requiring and commanding him, within a certain time in such Collection of taxes. Marshal may distrain and sell.

warrant to be specified, to proceed and collect such taxes as shall remain unpaid; and the marshal receiving such warrant shall be subject to all the liabilities, and shall have all the powers of levying, distraining and selling, that are given to the treasurer, and shall be entitled to the same fees for collecting which the treasurer would have, had the taxes been collected by him."

Treasurer may execute tax deeds to city.

SECTION 3. Where any lots or parcels of land have been bid off by the city of Watertown, at any tax sale made by the treasurer of said city, and the same have not or shall not be redeemed as provided by law, said treasurer shall execute to said city, in his name of office, and in the name of the state of Wisconsin, a deed therefor, witnessed and acknowledged in like manner as deeds to individuals, which shall have the same force and effect as conveyances executed by said treasurer to individuals for lands sold for taxes.

Marshal—powers restored.

SECTION 4. Section six of chapter one hundred and sixty-one of the private and local [general] laws of 1861, is hereby repealed, and the city marshal of said city is hereby vested with all the powers conferred on him by chapter 332 of the private and local laws of 1857.

Limit to salary of assessors.

SECTION 5. Section ten of chapter 332 of the private and local laws of 1857, is hereby amended by adding at the end thereof the following: "*provided*, the aggregate amount allowed said assessors in any one year, shall not exceed one hundred and fifty dollars."

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 22, 1862.

CHAPTER 138.

[*Published March* 28, 1862.]

AN ACT to organize a new town in the county of Kewaunee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town of Lincoln.

SECTION 1. Township number twenty-five north, of range number twenty-four east, now a part of the town

of Ahnepee, in Kewaunee county, is hereby detached from said town of Ahnepee, and organized into a separate town, to be known by the name of the town of Lincoln, with all the powers and subject to all the rules and regulations of law which govern other organized towns in this state.

First town meeting.

SECTION 2. The first town meeting in said town, shall be held on the first Tuesday of April, 1862, at the house of William Barnett, in said town, who is hereby authorized and required to give notice thereof, the same as town clerks are required to notice annual town meetings in other organized towns in this state.

SECTION 3. This act shall take effect and be (*be*) in force from and after its passage.

Approved March 21, 1862.

CHAPTER 139.

[*Published March* 28, 1862.]

AN ACT to authorize the board of supervisors for the county of Fond du Lac, to make out a list of grand jurors in said county, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The board of supervisors for the county of Fond du Lac, are hereby authorized, at the next extra session of said board, to select from the poll lists of the different towns in said county, and make out in the manner (*and as*) provided in section three of chapter 118 of the revised statutes, a list of persons properly qualified to serve as grand jurors, which list of persons, when so made out, shall be the list of grand jurors for the county of Fond du Lac, for the year 1862.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 140.

[*Published March* 28, 1862.]

AN ACT to authorize the city of Oshkosh to equalize the assessment rolls of the year 1861, of the several wards in said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Copy of assessment rolls to be made and laid before common council.

SECTION 1. The city clerk of the city of Oshkosh, in the county of Winnebago, is hereby directed and required to make a copy of the assessment rolls of the real property assessed in the several wards of said city, in and for the year 1861, as said assessment rolls were made by the several ward assessors, but said clerk shall correct any imperfect descriptions of real estate therein; which assessment rolls, so made out, corrected and prepared, shall be laid before the city board of equalization, mentioned in the next section of this act, on the day fixed by the city charter of said city for the meeting of said board of equalization for the year 1862.

Rolls to be equalized.

SECTION 2. The mayor and city clerk, with an alderman of each ward for the year, and the assessors of each ward, shall constitute such board of equalization of the city of Oshkosh for that purpose, and shall meet at the office of the common council in said city, on the day fixed by the city charter of said city of Oshkosh for the meeting of the board of equalization for the year 1862, and shall constitute a board of equalization, and shall proceed in the manner prescribed by section six of the eighth subdivision of chapter ninety-six of the private and local [general] laws of the year 1861, to review, correct and equalize the assessment rolls of the year 1861, of the real property in the several wards in said city, in like manner and extent as the city board of equalization is authorized to review, correct and equalize the same, by section six aforesaid: *provided*, that the aggregate valuation of the assessed real property of said city, as equalized, shall be of the same amount as the equalized valuation thereof of the year 1861, made pursuant to said section six aforesaid.

Clerk to add per centage.

SECTION 3. Upon the completion of the equalization directed to be made by the preceding section, the city clerk of said city of Oshkosh shall forthwith add

to said equalized valuation the same per centage which the county board of equalization of said county of Winnebago, added to the valuation of the real property of said city, at their last meeting, held for the purpose of equalizing the real property of said county; and said city clerk shall carry out, in the proper columns in said copy assessment rolls (as aforesaid required to be by him made,) opposite the description of each parcel or lot of land, the aggregate amount of the equalized valuation and per centage as aforesaid; and when so completed, said assessment rolls shall be deemed the equalized assessment rolls of said city of Oshkosh for the year 1861, on which all taxes levied and apportioned upon the real property of said city, for the year 1862, shall be computed and carried out, in like manner and with the same force and effect as if said copy assessment rolls were the originals, and taxes shall be collected thereon, and return of delinquent taxes therein made, in the same manner as in other cases; and all taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the completion of the assessment rolls made by virtue of this act. All laws that may be in force for the collection of taxes in the city of Oshkosh, by virtue of the city charter of said city, or any law of this state, shall apply to the collection of the taxes levied under and by virtue of this act.

To be deemed the assessment rolls of 1861.

Application of laws.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 141.

[*Published March* 28, 1862.]

AN ACT to provide for the removal of the county seat of Green Lake county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vote on proposition to remove to Dartford.

SECTION 1. At the general election to be held on the first Tuesday succeeding the first Monday in November, 1862, the legal voters of the county of Green Lake shall be, and are hereby authorized, to vote upon the question of the removal of the county seat of said county, from the city of Berlin to the village of Dartford; and if a majority of the legal votes cast on that question, at such election, be in favor of such removal, then the said village of Dartford shall be and is hereby made the permanent county seat of said county.

Form of ballots.

SECTION 2. The votes cast upon said question, as above provided, shall be by ballot, which ballots shall have written or printed upon them, or partly written or printed, the words "for removal to Dartford," or the words "against removal to Dartford." Said ballots shall be deposited by the inspectors of said election in a separate box by them provided for that purpose.

Canvass, return, declaration of result, &c.

SECTION 3. The polls of said election shall be opened, conducted and closed in the same manner as at annual town meetings. Said votes shall be counted, canvassed, certified and returned to the clerk of the county board of supervisors, in the same manner and time as votes at general election [elections] are. The clerk of the county board of supervisors, together with the clerk of the circuit court and register of deeds of said county, shall, on the first Tuesday succeeding the election, publicly proceed to count and canvass said returns; and the clerk of the board of supervisors of said county shall record the result of said election in the book of records of the proceedings of said board of supervisors, and shall immediately transmit a certified copy of such record to the secretary of state, who shall fill, [file] and preserve the same in his office.

Notice of election.

SECTION 4. The sheriff of the county of Green Lake is hereby authorized and required to give notice of the election mentioned in the preceding sections, by pub-

lishing a notice of the same in all the newspapers of said county, at least thirty days previous [previously] to said election.

Illegal voting.

SECTION 5. The provisions of the statutes of the state of Wisconsin, in regard to the punishment for illegal voting, are hereby made applicable to the election herein provided for; and at such election any elector of any town or ward in said county may have and exercise the right to challenge the vote, at the poll of any other town or ward in said county as well as in the town or ward in which he may reside, of any person who shall offer to vote upon the removal of the county seat as above provided for.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 142.

[*Published March* 29, 1862.]

AN ACT to provide for the election of the city surveyor of the city of Milwaukie [Milwaukee] by the people.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election of city surveyor.

SECTION 1. In addition to the elective officers provided for in section two of chapter two of the act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof," the city surveyor shall be an elective officer, who shall be a practical surveyor and engineer, shall be elected at the annual election for city officers in the same manner as other city officers of said city are elected; and the names of the persons voted for for such city surveyor and engineer shall be upon the same ballots as are the names of persons voted for for other city officers, and the votes shall be canvassed in the same manner as now provided by law for canvassing votes for city officers.

Vacancy.

SECTION 2. In case a vacancy should occur in the office of city surveyor, the common council may ap-

point some suitable person to fill such office, who, after being duly qualified, shall hold his office until the next annual election for city officers, and until his successor shall be elected and qualified.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 144.

[*Published March* 29, 1862.]

AN ACT to provide for the relief of the town of New Richmond, in St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Excess of tax in 1858, to be credited on tax of 1862.

SECTION 1. The county board of supervisors of St. Croix county, are hereby authorized to ascertain what amount of taxes, in consequence of alleged eror [error] in equalization and assessment, was levied upon the real and personal estate in the town of New Richmond, in said county, in the year one thousand eight hundred and fifty-eight, more than said town ought equitably to have paid for that year; and the amount so ascertained shall be credited by said supervisors to said town of New Richmond, and applied upon the taxes to be levied and collected in said town for the year one thousand eight hundred and sixty-two.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 149.

[*Published March* 28, 1862.]

AN ACT relative to publishing the notice of tax sale and the delinquent list, in the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Delinquent lands in second assembly district to be advertised in a newspaper published in said district.

SECTION 1. The statement and notice mentioned in sections two and three of chapter 22 of the general laws of 1859, and the list mentioned in section sixteen of the same chapter, shall be so divided in the county of Columbia, as to authorize said statement and notice, and said list, so far as relates to lands lying and being within the second assembly district in said county, comprising the towns of Arlington, Columbus, Fountain Prairie, Hampden, Leeds, Lowville and Otsego, to be published in a newspaper printed within such assembly district, the effect thereof being the same, in all respects, as if no such division had been made, and the said statement and notice, and the said list mentioned in said sections, had been published in one newspaper, as provided by said chapter 22.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 27, 1862.

CHAPTER 150.

[*Published March* 29, 1862.]

AN ACT to legalize the publication of the clerk's delinquent tax list for the year 1861, in the county of Shawanaw.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The clerk's delinquent tax list for the year 1861, in the county of Shawanaw, as published in the Shawanaw County Journal, is hereby declared valid and effectual: *provided*, the same be published in

said Journal up to the time prescribed by law for redemptions for the year aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 151.

[*Published March* 29, 1862.]

AN ACT to vacate [the] village plat of Osceola City, Shawano [Shawanaw] county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vacated.

SECTION 1. All that village plat known, described and recorded as [the] village plat of Osceola City, Shawano [Shawanaw] county, is hereby vacated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 152.

[*Published March* 29, 1862.]

AN ACT to enable the city of Kenosha to readjust and arrange its indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

New bonds may be issued.

SECTION 1. The city of Kenosha is hereby authorized to issue new bonds in exchange for the bonds and scrip heretofore issued by said city, now outstanding and unredeemed, or for the judgments heretofore rendered thereon, for the purpose of compromising the indebtedness of said city on such terms as may be agreed upon between the city and the holders of said bonds.

SECTION 2. The bonds authorized to be issued by virtue of this act, shall bear date the first day of January, A. D. 1862, shall be in such forms, contain such stipulations and conditions, for such sums, each made payable where, on such time, not exceeding thirty years, at such rate of interest, not exceeding five per cent. per annum, and for such amounts, not exceeding fifty per cent. of the indebtedness of said city on the first day of January A. D. 1862, as may be agreed upon between the city and the holders of said bonds. All agreements authorized by this act, made between the city and bondholders, and the issuing of the new bonds, shall be carried into effect by the adoption of ordinances by the city council. Form, &c., of bonds.

SECTION 3. All taxes to be raised for the payment of the principal and interest of the bonds issued by virtue of this act, shall be levied upon and collected from the real estate in said city, in the manner hereinafter provided. How taxes to be raised.

SECTION 4. At the annual election for (*the*) city officers, held on the first Tuesday in April, A. D. 1862, there shall be chosen by ballot four commissioners, one residing in each ward of said city, and being freeholders therein, who shall, within sixty days after their election, make a new assessment of all the real estate within the limits of said city and of such portion of the town of Pleasant Prairie formerly being within the limits of said city, as is liable for the payment of the indebtedness of said city: *provided*, that in case the ordinance as hereinafter provided, shall not, by the first Tuesday in April, be ratified by the voters of said city, then such election shall take place at any time thereafter, when directed by the common council. Such election shall be conducted in all respects like the election for city officers, as provided by chapter three of the city charter. Said four commissioners shall, within sixty days after their appointment, make an assessment of all the real estate aforesaid, which assessment shall be taken as a basis and used for the purpose of levying and collecting all taxes to be raised for the payment of both the principal and interest of the bonds authorized by this act: *provided*, said assessment shall first be corrected and equalized by the commissioners aforesaid, acting with four additional freeholders to be appointed by the common council, as a Election of assessment commissioners. Assessment to be made.

board of equalization, in the same manner as now provided by law for the equalization of other assessments, and shall thereafter be irrevocable, except for the correction of errors in the description of property or the omission of taxable property that should be upon the assessment roll, which the city council are authorized to correct whenever discovered. After the correction and equalization of said assessment, it shall be recorded in a book kept for that purpose, which shall show the names of the owners of each subdivision of property in the city and its apprized [appraised] value, and shall also show the amount of the apportionment which each piece of property is liable to pay on account of said bonds for principal, and the annual tax for interest on the same, as apportioned and levied, as hereinafter provided. Said book shall be kept by the city treasurer.

To be corrected and recorded.

Bonds a lien.

SECTION 5. After the issue by the city of the bonds authorized to be issued by virtue of this act, and they shall have been accepted in exchange and discharge of the old bonds, for their better security and more prompt payment, the city council shall equally apportion and levy the full amount of said bonds upon the real estate of the city as assessed and subdivided on the assessment as provided in section 4 of this act, and as soon as such apportionment and levy is completed and signed by the mayor of the city and attested by the clerk, they (the said bonds) shall be a lien upon all the real estate of the city as apportioned and levied upon the several subdivisions of the same, and shall so remain a lien until said bonds are paid in full and discharged, as hereinafter provided.

Annual tax for payment of interest.

SECTION 6. After the issue of said bonds, the city council shall annually levy and collect a tax sufficient to provide for the payment on [of] the interest of said bonds, (the principal of which remaining unpaid,) and also for a sinking fund, as hereinafter provided, which tax shall be levied and collected at the same time and in the same manner as provided by law for the collection of other taxes in said city, but always upon the same assessment as provided in section 4 of this act. All taxes levied and collected by virtue of this act, for the payment of interest or any part of the principal, shall be upon a seperate [separate] tax roll, and all moneys collected shall be kept distinct and seperate

[separate] from other moneys of the city, shall be seperately [separately] returned to the county treasurer in case such taxes thereon are not paid, and upon the sale of the lands for the non-payment of such taxes, seperate [separate] certificates and deeds shall be given, and all taxes levied for interest as aforesaid, or for a sinking fund, shall be a prior lien on all the real estate, to all other city taxes levied of the same year.

Principal—how paid.

SECTION 7. In the year (*A. D.*) 1870, and annually thereafter, the city council of said city shall, in addition to the tax levied for the payment of interest on said bonds, levy and collect by tax upon the real estate, upon the same assessment provided for in section 4 of this act, a sum sufficient to pay off the entire principal and discharge in full said bonds by the time they shall become due, which shall be denominated the sinking fund tax. All moneys paid into the city treasury for the discharge of any piece or pieces of property from the apportionment of said bonds for principal, shall be credited to the sinking fund. From time to time, when an amount shall accrue in the treasury belonging to the sinking fund sufficient to purchase one or more of the bonds issued under this act, it shall be applied to the purchase of said lands [bonds] until they are all redeemed.

Coupons receivable for taxes.

SECTION 8. All coupons for interest on said bonds shall be taken in payment of the taxes levied to pay the same, and the bonds shall at all times be taken in payment for any part of the principal.

How taxes on particular lots may be paid, and lots discharged from liability.

SECTION 9. The owner or owners of any particular lot or lots, block or blocks, piece or pieces of property in said city, may at any time pay over to the treasurer of the city the amount of the principal due on said bonds levied and (*and*) apportioned upon the same, in cash or bonds, and any unpaid tax for interest due at the time; and whenever any amount shall be paid as aforesaid, being in full of the apportionment of said bonds levied upon any particular piece of property, the owner or owners thereof shall recieve a certificate of discharge, signed by the mayor and treasurer of the city and attested by the clerk, which certificate may be recorded in the office of the register of deeds for Kenosha county, and shall forever discharge the property therein described from all further liability to pay any part of said bonds, either for principal or interest, and [be] a

full discharge from all liens heretofore created in consequence of the same; and no taxes shall therefore [thereafter] be imposed upon such property thus discharged by the city of Kenosha or city council, or by any other authority, for the purpose of paying any part of said bonds for principal or interest that may remain unpaid.

City may purchase property sold for delinquent taxes, take deeds for the same, and hold it in trust for bond holders.

SECTION 10. Upon the sale of any property for delinquent taxes for the interest or sinking fund, or principal of said bonds, the city shall purchase the same and shall hold the certificates of sale for the benefit of, and in trust for, the holders of the said bonds: and if the said property shall not be redeemed from such sales as required by law, the city may take tax deeds of such property, either in its own name or in the name of some person as trustees [trustee] for the holders of said bonds; and the property thus acquired shall be held in trust for the holders of said bonds, and may at any time be sold, leased or otherwise disposed of, under the direction of the common council, in such manner as shall be in their opinion most to the advantage of the city and the bond-holders, and the proceeds thereof applied in liquidation of the said bonded debt.

How real property may be sold.

Such property may be sold either subject to future taxes on account of said city indebtedness, or free therefrom. In the former case, it shall not be sold for less than the amount then due on said property for delinquent taxes, interest and costs. In the latter case, it shall not be sold for less than the amount of such delinquent taxes, interest and costs, together with the proportion of the bonded debt which may be assessed against such property, and payment for such property may be made in coupons or bonds, as the case may be.

Exchange of unpaid coupons for certificates of sale.

The holders of unpaid and past due coupons may at any time exchange said coupons for any certificates for the sale of lands for delinquent taxes, which may be in the possession of said city in trust as aforesaid, of an equal amount: *provided*, that no such exchange or sale shall be made unless the purchaser shall take all such certificates in the possession of said city upon any particular parcel of land.

Compromise commissioners.

SECTION 11. At the time and place where the four commissioners for making a new assessment are chosen as before provided, a commissioner or commissioners, not to exceed three discreet men, as may be directed by

the city council, being a freeholder or freeholders of said city, shall in like manner be chosen to conduct the regulations for a compromise of the old indebtedness, to meet and confer with the bond-holders of the city, to receive and make propositions of settlement, &c., who shall report his or their doings to the city council.

Ordinance authorizing exchange of lands—to be submitted to vote of freeholders.

SECTION 12. At once after the passage and publication of this act, the common council shall pass an ordinance authorizing the mayor and clerk of the city to execute and deliver the bonds as authorized by this act, in satisfaction of the outstanding and unpaid indebtedness of said city. The rate per cent. of new bonds to be given for former indebtedness on this amount of new bonds to be issued as aforesaid, the time of payment, rate of interest, &c., shall be distinctly stated and set forth, which ordinance shall be submitted to a vote of the freeholders of the city, after having first been published at least two weeks in the city papers. After the publication of the ordinance as aforesaid, the city council shall call an election of the freeholders of the city who are qualified voters by the laws of the state, and fix the time and manner of holding the same, at which a vote will be taken for or against said ordinance. The vote shall be by ballot, on which shall be written or printed, "for the ordinance," or "against the ordinance." At such election none but freeholders of said city, who are qualified electors by the laws of this state [shall] be qualified to vote. If a majority of all the votes cast at any such election shall be in favor of such ordinance, then shall the mayor and city clerk execute and deliver the bonds as aforesaid authorized by this act; if against said ordinance, the city council may, upon a different basis as to amount, rate of interest, or time of payment, to be in like manner set forth by ordinance, a second or a third time submit the question to a vote of the freeholders as herein provided: *provided, however*, that no bonds shall be issued by the city of Kenosha, as authorized by this act, until a majority of all the votes cast at an election, as herein provided, shall be in favor of the same.

Form of ballots.

SECTION 13. This act shall take effect and be in force from and after its passage.

Approved March 27, 1862.

CHAPTER 155.

[*Published March* 28, 1862.]

AN ACT to authorize the board of supervisors of Sheboygan county to raise a tax for the improvement of the harbor at the mouth of Sheboygan river, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of proposed tax.

SECTION 1. The board of supervisors of the county of Sheboygan are hereby authorized to raise, for three successive years, commencing with the year one thousand eight hundred and sixty-two, an annual tax for the improvement of the harbor at the mouth of Sheboygan river, in said county, not exceeding four thousand dollars in any one year, to be assessed, levied and collected as other county taxes.

Question to be submitted to a vote.

SECTION 2. An election shall be held on the first Tuesday in April, in each of said years, in the several towns, wards and villages in said county, at their respective polls, at which it shall be submitted to the electors of such towns, wards and villages, to vote in favor [of] or against the exercise of the authority conferred on said board of supervisors by this act. Those in favor of the exercise of such authority, shall vote at such election by separate ballot, with the words "for tax for improvement" printed or written thereon. Those opposed to it shall vote by separate ballot, with the words "against tax for harbor improvement" printed or written thereon. Such election shall be conducted, the result thereof canvassed and certified in all respects, as near as possible, in like manner as elections for county officers; and any person voting upon this question, who shall not be legally qualified so to vote, shall be subject to all the penalties attaching to illegal voting at a general election.

Form of ballots, how canvassed, &c.

Money to be expended under direction of board of supervisors.

SECTION 3. Unless a majority of all the votes cast at such election shall be for tax for harbor improvement, it shall not be lawful for the said board to raise such annual tax for the year in which such election was held; and the money that may be raised by such tax, and no more, shall be faithfully applied to the purposes for which the same was raised, by or under the direction of said board, in such manner as they shall deem

best; and the said board shall have the paramount control of said harbor and the improvements thereof, anything in the charter of the city of Sheboygan to the contrary notwithstanding. But none of such money shall be expended west of the low water mark of Lake Michigan.

SECTION 4. This act shall take effect and be in force from and after its passage and publication, and it shall be published immediately after its passage.

Approved March 28, 1862.

CHAPTER 157.

[*Published March* 31, 1862.]

AN ACT to legalize the official acts of Russell H. Emerson, as justice of the peace in the county of La Fayette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all the official acts and duties performed by Russell H. Emerson, as justice of the peace in the town of Elk Grove, in the county of La Fayette, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all practical purposes, as if the said Russell H. Emerson had been a full citizen of the United States. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 158.

[*Published March* 31, 1862.]

AN ACT to legalize the official acts of Elisha B. Dean, as a notary public, residing in the county of Kewaunee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. That all the official acts and duties performed by Elisha B. Dean, a notary public, residing in the county of Kewaunee, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized. and declared to be as valid, for all purposes, as though the said Elisha B. Dean had caused his official bond and oath to be made and filed in conformity with the statutes of this state.

Authority to secretary of state.

SECTION 2. The secretary of state is hereby authorized and empowered to certify as to the appointment and qualification of the said Elisha B. Dean, as notary public, residing in the county of Kewaunee, Wisconsin, dated April 10, 1856, in the same manner as though the said Elisha B. Dean had caused his official bond and oath to be made and filed in conformity with the statutes of this state.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 159.

[*Published April* 1, 1862.]

AN ACT to authorize the county of Jackson, in this state, to issue bonds to aid in the construction of a railroad to Black River Falls, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to issue bonds to aid

SECTION 1. It shall be lawful for the county of Jackson, in this state, and the said county is hereby

authorized, to issue the bonds of said county, in a sum not exceeding fifty thousand dollars, payable not exceeding ten years from the date of such bonds issued under this act, together with interest coupons attached thereto, with interest at the rate of seven per cent. per annum, and payable as the board of supervisors of the said county may direct, and in such amount and in such sums as said board of supervisors may also direct.

Question to be submitted to a vote.

SECTION 2. No bond shall be issued in pursuance of this act, until a majority of the legally qualified voters of said county, voting upon said question, shall have voted in favor of the same, at an election called by order of the board of supervisors of the said county of Jackson, as herinafter provided.

Notice of election.

SECTION 3. Notices of said election shall be signed by the clerk of the board of supervisors of said county, and shall be posted up in at least three conspicuous places in each of the towns in the county of Jackson, and published in a newspaper, if there be any in said county, at least ten days previous [previously] to said election. Such notices shall clearly set forth the object of said election. There shall also be chosen at said election, three commissioners from the electors of the said county of Jackson, (the notice of whose election shall be specified in the notices aforesaid,) who, upon election and qualification, shall have such power and authority as is hereinafter conferred upon them.

Three commissioners to be elected.

Form of ballots, how canvassed, &c.

SECTION 4. Said election shall be held at the usual places of holding elections in each of the said towns of the said county of Jackson; and the voters voting at said election shall deposit a ballot containing the words "for bonds," or "against bonds," and also a ballot for three persons for commissioners, as aforesaid. Said election shall be conducted, and the result thereof canvassed and returned, in all respects as county elections are by law canvassed and returned, and the result canvassed and recorded in a book of records, to be prepared for that purpose by the said clerk of the board of supervisors of Jackson county, which record, when attested by said clerk of the board of supervisors, shall be received as legal evidence of the result of such election: *provided*, that the three persons having the highest number of votes for said commissioners, shall be declared duly elected as such commissioners, and be

entitled, from the clerk of the board of supervisors, to a certificate of their election as such.

How bonds to be used.

SECTION 5. The bonds issued under the provisions of this act, shall be signed by the chairman of the board of supervisors of Jackson county, and attested by the clerk of said board, and said bonds shall be used exclusively to aid in the construction of the Lemonwier and Black River Falls railroad, or some railroad from the village of Black River Falls, in Jackson county, to some point connected with the La Crosse and Milwaukee railroad, and for no other purpose whatever: *provided, always*, that the interest coupons attached to said bonds shall be received in payment of county taxes due the said county of Jackson.

Commissioners to take oath and execute bonds.

SECTION 6. The commissioners hereinbefore named shall, before they enter upon their duties required by this act, take and subscribe an oath that they will well and faithfully discharge the duties of their said office according to the provisions of this act, and file the same with the clerk of the board of supervisors. They shall also execute a bond to the county treasurer of the county of Jackson, in such penal sum and with such sureties as the county board of said county may direct, conditioned that they will faithfully discharge their duties as required by this act, and that they will truly account for all bonds, moneys and property which shall come into their hands under this act, which said bonds shall be filed with the treasurer of said county.

Commissioners authorized to purchase stock.

SECTION 7. The said commissioners, or a majority of them, are hereby authorized to negotiate with the Lemonwier and Black River Falls railroad company, or with any company having the authority to build a railroad intersecting with the La Crosse and Milwaukee railroad to the village of Black River Falls, in Jackson county, to purchase of said railroad company an amount of their stock, not exceeding two thousand dollars per mile for each mile graded and tied ready for the rail, and pay for the same in the said bonds of the said county, at their par value. The said commissioners are prohibited from purchasing the stock of said railroad company, or negotiating said bonds for said purchase, before said road is graded and the ties placed thereon; but as soon as two miles of said road are graded and the ties placed thereon, the said commissioners, or a majority of them, are authorized to

purchase not exceeding four thousand dollars of the stock of said railroad company, and pay for the same in the said county bonds, at their par value; and the chairman of the board of supervisors and the clerk of said board are hereby authorized and required to issue and deliver to said commissioners a sufficient amount of the bonds of said county, with which to negotiate with and purchase said railroad stock as aforesaid; and as often as two miles of said road are graded and tied as aforesaid, the said commissioners are authorized to purchase and pay as aforesaid, and so on until said road is all graded and tied, or the bonds authorized to be issued by this act shall have all been expended.

Report to be made.

SECTION 8. The said commissioners shall make a full report of their proceedings under this act, at the annual meeting of the board of supervisors of said county of Jackson, in the year 1862, and at each annual meeting thereafter, as long as said commissioners continue in office under the provisions of this act; and in case a vacancy occurs in the office of said commissioners, it shall be the duty of the board of supervisors to supply such vacancy by appointment.

Annual tax to pay interest.

SECTION 9. It shall be the duty of the said board of supervisors of the county of Jackson, to cause to be levied and collected, annually, from the taxable property of the said county of Jackson, a sum sufficient to pay the interest on said bonds, as it becomes due on said bonds, as mentioned in the first section of this act; and if the said board of supervisors shall fail or neglect to levy and collect said tax for one year, it shall be the duty of the circuit judge sitting in the county of Jackson, on application of any holders of said bonds, to direct the sheriff of said county to take the assessment rolls of the various towns of the said county of Jackson, and to calculate therefrom the amount necessary to be charged against each person having property assessed in his or her name, *pro rata*, a sufficient per cent., so that when the whole amount is collected, it shall be sufficient to pay the whole amount accruing from the neglect or refusal of the said board of supervisors of said county to levy and collect as aforesaid, together with the costs; and on the refusal or neglect of any person to pay when demanded by said sheriff, it shall be the duty of said sheriff to take the property of such person and sell the same at public auction,

giving the same notice, and the parties having the same right of redemption, as on executions at law.

Compensation of commissioners.

SECTION 10. The commissioners mentioned in this act shall receive such compensation for their services as the board of supervisors of the said county of Jackson may allow.

SECTION 11. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 160.

[*Published March* 31, 1862.].

AN ACT to amend section one of chapter 162 of the general laws of 1860, entitled "an act to lay out a state road from Stevens Point to Eau Claire."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Section one of chapter 162 of the general laws of 1860, is hereby amended [so as] to read as follows: "Section 1. Burt Britt, John Weeks and J. S. Sherman, of the counties of Portage, Marathon and Eau Claire, and hereby appointed commissioners to lay out and establish a state road from the city of Stevens Point, Portage county, by the way of John Weeks' mill, to the east bank of Black river, in section three, town 26 north, range two west."

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 28, 1862.

CHAPTER 161.

[*Published March* 31, 1862.]

AN ACT to legalize a public highway in Pierce county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The acts of the supervisors of Clifton, in Pierce county, on the sixth day of July, A. D. 1861, in laying out a highway in said town, described as follows: commencing at the north-west corner of the south-west quarter of the south-west quarter of section twenty-five, town twenty-seven, and range twenty, on the Hudson and Prescott road, and terminating opposite the farm of one David Rollins, on the Prescott and River Falls road, are hereby legalized and declared to be valid, and the said highway is hereby declared to be a legal highway. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 162.

[*Published March* 31, 1862.]

AN ACT to repeal chapter 336 of the private and local [general] laws of 1860, entitled "an act to incorporate the village of Englsburg."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That chapter three hundred and thirty-six of the private and local [general] laws of 1860, entitled "an act to incorporate the village of Englsburg," be the same is hereby repealed. Repeal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 163.

[*Published March* 31, 1862.]

AN ACT to provide for the payment of the county superintendent in the county of Wood.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary for 1862 may be paid from drainage fund.

SECTION 1. The board of supervisors of the county of Wood are hereby authorized and empowered to loan out of the drainage fund belonging to said county, for the year 1862, a sufficient amount to pay the salary of the superintendent of schools of said county for said year.

Salary for 1863.

SECTION 2. The said board of supervisors shall, at their annual meeting in November, A. D. 1862, in addition to other taxes by them levied, and in the manner provided by law, levy a tax sufficient to pay the salary of said superintendent for the year [years] 1862 and 1863; and when said tax shall have been collected, the amount so loaned from the drainage fund shall be returned to said fund, to be expended according to existing laws.

Refunded.

SECTION 3. This act shall be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 164.

[*Published April* 1, 1862.]

AN ACT to provide for the payment of the salary of the county superintendent of schools for Portage county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary for 1862 may be paid from drainage fund.

SECTION 1. The county treasurer [of Portage county,] after he shall have apportioned the drainage fund to the several towns, as by law required, is hereby authorized, with the consent and approval of the town board [boards] of supervisors of the several towns to

which the said drainage fund is so apportioned, to retain in his hands such sums as in the aggregate shall not exceed the sum of four hundred dollars, to be used for the payment of the salary of the county superintendent of schools for said county, for the year 1862.

SECTION 2. The county board of supervisors for Portage county, when they levy the tax for the year (*A. D.*) 1862, authorized by section 12 of chapter 179 of the general laws of 1861, entitled "an act to create the office of county superintendent of schools," shall levy the sum of four hundred dollars, in addition to the amount authorized by said section. Amount to be levied and collected.

SECTION 3. Whenever the sum of four hundred dollars referred to in section 2 of this act, shall be collected and paid into the county treasury, it shall belong to and form a part of the drainage fund of said county, and be applied by the county treasurer to the payment of such sums to the respective towns, as has [have] been retained by him, as provided by section one of this act; and any balance of the four hundred dollars referred to in this section, remaining in the hands of the county treasurer after paying the several towns provided in this section, shall be applied to the payment of any balance due on the salary of the county superintendent of schools for the year 1862. To be returned to drainage fund.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 28, 1862.

CHAPTER 171.

[*Published April* 1, 1862.]

AN ACT to amend an act entitled "an act to amend an act to incorporate the village of Horicon," approved March 29, 1855.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of said village shall, in addition to the powers already possessed by them, have power to prohibit the erection or construction of wood Erection of wooden buildings may be prohibited.

buildings on such streets or parts of streets as the public safety may, in their judgment, seem to require.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 173.

[*Published April* 1, 1862.]

AN ACT to legalize the official acts of James T. Cragin, as town superintendent of schools of the town of Stirling, in the county of Polk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. That all the official acts and duties performed by James T. Cragin, as town superintendent of schools in the town of Stirling, in the county of Polk, in the state of Wisconsin, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all purposes, as though the said James T. Cragin had caused his official bond and oath to be made and filed in conformity with the statutes of this state.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 28, 1862.

CHAPTER 174.

[*Published April* 1, 1862.]

AN ACT to legalize the acts of Frederick Egger, as justice of the peace in New Glaras, [Glarus,] Green county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the official acts performed by Frederick Egger, as justice of the peace, in the town of New Glaras, [Glarus,] Green county, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid as though the said Frederick Egger had caused his official bond and oath to be made and filed in conformity with the statutes of this state. Acts legalized.

SEC. 2. This act shall take effect from and after its passage and publication.

Approved March 28, 1862.

CHAPTER 175.

[*Published April* 1, 1862.]

AN ACT for the relief of Marathon county.

WHEREAS, The county of Marathon has expended about three thousand dollars in opening to travel the state road from Wausau to the state line north, authorized to be opened by chapter 310 [of the] general laws of 1860, and for the purpose of reimbursing the county for the amount so expended:

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The clerk of the board of supervisors of the county of Marathon, shall forward to the school land commissioners a certificate under his hand and [the] seal of said board, which shall set forth the actual amount that has been expended by the county upon said road; and upon the receipt of such certificate by the school land commissioners, they shall give to the Certificate of amount expended. Repayment in swamp lands.

county of Marathon a certificate of purchase of a sufficient quantity of the odd numbered sections of the swamp and overflowed lands granted by said chapter 310, to pay such sum, at the rate of one dollar and twenty-five cents per acre; and such certificate shall entitle the county to a patent from the state for the lands therein described.

Lands may be sold by county.

SECTION 2. The county of Marathon, under and by the direction of its board of supervisors, shall have the right to sell and convey said lands, or any part thereof, at public or private sale, and give to the purchaser or purchasers a good and sufficient deed therefor, executed by the clerk of the board of supervisors of the county of Marathon, and sealed with the seal of such board: *provided*, that said lands nor any part thereof, shall be so sold without first giving public notice of the time and place of such sale, together with a description of the lands to be offered, by publication in each of the newspapers published in the county, for six weeks successively prior to such day of sale; and the expense of all such advertising shall be charged to the lands and paid by the purchaser, and no part thereof shall be paid out of the county treasury; *and provided, further*, that no part of said lands shall be sold for a less sum than one dollar and twenty-five cents per acre, nor in a less quantity than forty acres.

Notice of sale to be given.

Expense.

Minimum price.

Balance may be sold at private sale.

SECTION 3. At any time after such lands shall have been offered for sale, as provided in the next preceding section, and remain unsold, the same may be sold at any time thereafter at private sale, at the rate above mentioned, and without public notice being given.

Taxation.

SECTION 4. All lands hereafter conveyed to the county of Marathon by virtue of this act, shall be and remain free from taxation until they are sold as herein provided: *provided*, that no part of such lands shall be exempt from taxation after the same shall be conveyed by the county.

STATE OF WISCONSIN,
IN ASSEMBLY, March 26th, 1862.

Passed over governor's veto.

I hereby certify, that the above act was returned by the governor, on the 15th inst., with objections, and on this day being reconsidered, the members present agreed to pass the same by a two-thirds vote taken by

yeas and nays, as follows: yeas, fifty-five; nays, sixteen.

JOHN S. DEAN,
Chief clerk of the assembly.

STATE OF WISCONSIN,
IN SENATE, March 28, 1862.

I hereby certify, that the foregoing act was this day reconsidered in the senate, and approved, the vote being taken by yeas and nays, as follows: yeas, twenty-two; nays, six.

J. H. WARREN,
Chief clerk of the senate.

CHAPTER 177.

[*Published April* 3, 1862.]

AN ACT to amend chapter 302 of the private and local [general] laws of 1861, entitled "an act to create the municipal court of the city and town of Ripon."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the clerk of the municipal court of the city and town of Ripon, immediately upon the receipt of the list of jurors required to be made and returned to him by virtue of section six of chapter 302 of the private and local [general] laws of 1861, entitled "an act to create the municipal court of the city and town of Ripon," to write the names of the persons contained therein on seperate [separate] pieces of paper, each in the same manner as near as may be, and to fold up the same so that the name written thereon shall not be visible, and shall deposite [deposit] such piece of paper in a box to be by him kept for that purpose; and no jury shall be drawn therefrom until one of the parties to a suit pending in said court shall demand a jury in open court, and shall pay to said clerk the sum of three dollars; and upon such demand and payment being made, the clerk shall at once draw a petit jury of twelve men from said box, Manner of drawing juries.

subject to the same peremptory challenges as are now allowed by law in the circuit courts of this state; and the said clerk shall immediately issue a venire directing the sheriff or marshal to summon the persons so selected as jurors, to appear forthwith before said court, to try the case under the same powers and rules of said court as if they had been duly summoned as now required by law.

Talesmen.

SECTION 2. In case the officer shall be unable to find all the persons named in the venire, the clerk shall draw from said box sufficient names to supply any such deficiency, and the sheriff or marshal shall continue to sumon [summon] the persons so drawn, until a full jury is procured; or the court may direct the sheriff or marshall [marshal] to summon talesmen to make up any deficiency caused as aforesaid; and no juror shall be liable to serve only in the case for which he was summoned, until he shall again have been drawn and summoned as aforesaid.

Jury fees.

SECTION 3. Said clerk shall dispose of all moneys which may come into his hands as jury fees, in the same manner as clerks of circuits [circuit] courts are now required by law to dispose of such funds; and said jury shall be allowed one dollar each per day for every day he may serve as aforesaid, and shall be paid in the same manner as jurors in the circuit court are now paid; and the said clerk shall issue a certificate to each juror of the number of days he shall have so attended as juror, stating the amount due him thereon, which said certificate shall be of the same force and virtue as certificates issued by the clerk of the circuit [court] of Fond du Lac county are, when issued to jurors attending the circuit court.

Clerk may appoint deputy.

SECTION 4. The clerk of the said municipal court is hereby authorized and empowered to appoint a deputy in the same manner, subject to the same rules and regulations, and with the same force and effect (so far as relates to said municipal court) as clerks of the circuit courts have power to appoint deputies by virtue of any law of this state.

SECTION 5. All acts and parts of acts conflicting with this act, are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 2, 1862.

CHAPTER 178.

[*Published April* 3, 1862.]

AN ACT to repeal chapter 137 of the private and local laws of 1859, entitled "an act to incorporate the village of Winnecone, [Winneconne.]"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 137 of the private and local laws of 1859, is hereby repealed. Repeal.

SEC. 2. This act shall take effect from and after its passage and publication.

Approved April 2, 1862.

CHAPTER 179.

[*Published April* 3, 1862.]

AN ACT for the relief of the La Crosse Co. [county] agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for the La Crosse county agricultural society to make its annual report, as required by law, is hereby extended until the first day of May, A. D. 1862. When order may be drawn on treasurer.

SEC. 2. Upon making its report as aforesaid, setting forth all the facts required by law to entitle it to the annual appropriation from the state treasury to county agricultural societies, the secretary of state shall draw his warrant in favor of said society on the state treasurer, for said appropriation, the same as if said report had been made within the time prescribed by law for making such reports.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 2, 1862.

CHAPTER 185.

[*Published April* 4, 1862.]

AN ACT to legalize the official acts of Robert E. Scott, as justice of the peace in and for the county of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. That all the official acts and duties performed by Robert E. Scott, as justice of the peace in and for the county of Eau Claire, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized, and declared to be as valid, for all purposes, as though the said Robert E. Scott had caused his official bond and oath of office to be made and filed according to law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 187.

[*Published April* 4, 1862.]

AN ACT to authorize the board of supervisors for the county of Door, to make out a list of grand and petit jurors in said county, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The board of supervisors for the county of Door, are hereby authorized, at the next extra session of said board, to select from the poll lists of the different towns in said county, and make out in the manner and as provided in section three of chapter 118 of the revised statutes, a list of persons properly qualified to serve as grand and petit jurors, which list of persons, when so made out, shall be the list of grand and petit jurors for the county of Door, for the year 1862.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 188.

[*Published April* 4, 1862.]

AN ACT to authorize the supervisors of the county of Sheboygan, to issue bonds for the payment of certain indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of the county of Sheboygan, is hereby authorized and empowered to issue the bonds of the county of Sheboygan, payable in ten years from the date thereof, for ten thousand dollars, with interest payable annually, at the rate of seven per cent. per annum, for the payment of the principal due or to become due, upon and in lieu of the bonds still remaining unpaid, issued by the harbor commissioners of Sheboygan county, under and by virtue of an act of the legislature of the state of Wisconsin, entitled "an act to authorize the borrowing of money to construct a harbor at the mouth of Sheboygan river," approved January 31, 1852, in such sum or sums, not less than one hundred dollars, as said board of supervisors shall deem expedient. Bonds to amount of $10,000 may be issued.

SECTION 2. Said bonds shall be signed before issued by the chairman of the board of supervisors of said county of Sheboygan, and countersigned by the clerk thereof. Said bonds, when signed and countersigned as aforesaid, shall be, in the hands of any *bona fide* holder of the same, full and complete evidence both in law and equity, to establish the indebtedness of said county, according to the tenor and effect of said bonds: *provided*, that no bonds shall be issued, except by order of a majority of said board, and entered upon the records of their proceedings. How signed, &c.

SECTION 3. It shall be the duty of said board of supervisors, to lay an annual tax upon all the taxable property within said county, sufficient to pay the annual interest and principal when due. Said taxes shall be levied and collected in cash, in the same manner as state taxes are levied and collected. Annual tax for interest.

SECTION 4. It shall be the duty of the treasurer of said county of Sheboygan, to pay the interest and principal which shall become due upon the said bonds issued as aforesaid, out of any moneys coming into his Payment of interest.

hands for such purpose, at such time and place as shall be specified in said bonds.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1862.

CHAPTER 189.

[*Published April* 4, 1862.]

AN ACT to regulate the survey and measurement of logs and lumber in the county of Winnebago.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Winnebago district.

SECTION 1. For the purpose of surveying and regulating the survey and measurement of logs and lumber in the county of Winnebago, the county of Winnebago is hereby constituted and created a district to be known and styled "the Winnebago district."

Appointment of surveyor general.

SECTION 2. There shall be appointed from time to time by the county board of supervisors of the county of Winnebago, a surveyor general, whose commission shall continue in force for two years, unless sooner revoked and his successor appointed, who at the time of his appointment shall be a citizen of and reside in said county, and who shall enter upon the discharge of the duties of his office within ten days from the time of his appointment, and shall keep his office in the city of Oshkosh, in the county of Winnebago.

Oath and bond.

SECTION 3. The surveyor general shall, before entering upon the discharge of the duties of his office, take and subscribe an oath, before some person authorized to administer oaths, that he will faithfully discharge the duties of his office to the best of his knowledge, judgment and ability, and shall execute to the treasurer of the county of Winnebago a bond, with one or more sureties, to be approved by the board of supervisors of Winnebago county, in the sum of five hundred dollars, conditioned upon the faithful performance of his duties as surveyor general, and for the delivery to his successor in office of all bills, papers, books and

other effects appertaining to his office, and such bond, so executed and approved, shall be filed and kept in the office of the said county treasurer; and any person feeling himself aggrieved by or in consequence of the failure of the surveyor general to comply with the requirements of this act, may commence an action against the surveyor general or his sureties, or either of them, in any court in this state having jurisdiction of the case.

Deputies.

SECTION 4. The surveyor general may appoint such number of deputies as may be necessary to transact the business of his district, for whose conduct and fidelity in discharge of their duties as such, he shall be responsible (*for*) upon his bond.

Duties of surveyor and his deputies.

SECTION 5. It shall be the duty of the surveyor general, in person or by deputy, at the request of any person owning logs or lumber, to survey such logs or lumber and make out a bill, stating therein the number of logs, the number feet board measure contained in such logs or lumber, at whose request the same was surveyed and to whom surveyed; a copy of which bill he shall enter upon the books of his office, to be provided by him and kept for that purpose. He shall also enter upon his books, the marks of all logs scaled by him or his deputies. A correct bill of such survey shall be given to the owner or owners of all logs, timber or lumber, which bill, when certified to by the surveyor general, shall be received in all courts of this state as *prima facie* evidence of the truth and correctness thereof.

Fees of surveyor.

SECTION 6. The surveyor general shall be entitled to, and may sue for and collect, the sum of three cents per thousand feet for scaling logs; the sum of ten cents per thousand feet, running measure, for measured square timber; the sum of twelve cents per thousand feet for surveying sawed lumber, including bills of such survey; and in all cases he shall be entitled to a reasonable compensation as traveling fees, whenever he shall travel more than one mile for the purpose of surveying any lot of logs or lumber. The owner or owners of all logs or lumber surveyed, shall, in all cases, pay the surveyor, but the purchaser shall pay to the person from whom he purchases, one-half the amount so paid by the owner or owners of logs or lumber, to the surveyor.

Standard rule.

SECTION 7. The Scribner rule shall be the standard rule for scaling or surveying logs in said district.

First appointment of surveyor.

SECTION 8. The first appointment of the surveyor general under and by virtue of this act, shall be made by the county board of said county of Winnebago, at their first meeting after the passage of this act.

Scaling of logs.

SECTION 9. Whenever any person or persons shall have logs or lumber which he wishes to have scaled for the purpose of selling the same, such logs or lumber shall be scaled by the surveyor, or his deputies of said district, unless by agreement of all parties interested, some other surveyor may be selected.

SECTION 10. This act shall take effect and be in force from and after its passage.

Approved April 3, 1862.

CHAPTER 191.

[*Published April* 4, 1862.]

AN ACT authorizing the transfer of vouchers for military expenditures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Vouchers to be delivered to governor, after copies shall have been made.

SECTION 1. The secretary of state is hereby authorized to deliver to the governor such of the original vouchers for military expenditures made by the state, as may be necessary for the settlement and adjustment of the claims of the state of Wisconsin against the United States: *provided*, that before any of said vouchers shall be delivered under the provisions of this act, certified copies thereof shall be made by the secretary of state and filed in his office; and such certified copies shall be received in all courts and places in the same manner and with the same effect as the original documents.

SEC. 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 3, 1862.

CHAPTER 193.

[*Published April* 4, 1862.]

AN ACT to amend chapter 176 of the private and local [general] laws of 1860, entitled "an act to incorporate the village of Mauston."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section [sections] twenty-three and twenty-four be stricken out, and the following inserted in their stead: "Whenever two-thirds of all the owners of real estate, bounding one side of any street or part of street, not less than ten rods in length, residing in the village, shall desire to have a sidewalk built or repaired, they shall make an application in writing to the trustees of said village, specifying in such application the sum necessary to be raised for that purpose; and if a majority of the trustees shall deem said improvement necessary, they shall levy and cause to be collected such sum by tax on the owners of real estate adjoining said street or part of street, on the side on which said improvement is located. Said tax shall be collected on the last assessment valuation of the real estate and lots, as the same shall appear on the assessment roll of said village." Application for street improvements.

SECTION 2. Amend section thirty by striking out all after the word "respectively" in the sixth line of said section, and insert [inserting] the following, so that the section, when amended, will read as follows: "When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to have been raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively; which said tax shall be collected at the same time and in the same manner as state and county taxes are now collected." Levy and collection of village tax.

SECTION 3. Strike out all of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine and forty. This act shall take effect and be in force from and after its passage. Repeal.

Approved April 3, 1862.

CHAPTER 196.

[*Published April* 7, 1862.]

AN ACT to authorize the town treasurer of the town of Weston, Marathon county, to divide certain school moneys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The treasurer of the town of Weston, county of Marathon, state of Wisconsin, is hereby authorized to divide the school moneys collected partly before the town was divided into school districts, among the different school districts at present organized, three in number, in equal amounts, so that each district will receive one-third of the whole fund so collected by said town treasurer.

SECTION 2. This act shall take effect from and after its passage.

Approved April 4, 1862.

CHAPTER 199.

[*Published April* 7, 1862.]

AN ACT to authorize the fifth ward of the city of Milwaukee to purchase grounds for a market square.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Election to determine whether grounds shall be purchased.

SECTION 1. Whenever twenty-five or more freeholders, residents of the fifth ward of the city of Milwaukee, shall, by petition, represent that it is necessary for the interest of the said ward to purchase certain lots or lands, not exceeding one whole block, within the said ward, for the purpose of a market square, setting forth in such petition the particular lots or the block which they desire to purchase for such purpose, with the names of the owner or owners thereof, together with the probable amount of money for which such lands can be purchased, the common council shall thereupon order an election to be held in said ward,

giving at least two weeks' notice of such election, by publishing the same, together a copy of the petition, in two daily papers published in said city, one of which shall be printed in the English and the other in the German language. Such election shall be held at the usual place of holding elections in said ward, and shall be conducted and the votes canvassed in the same manner as at city elections. The votes at such election shall be by ballot, on which shall be printed or written the words "for the market square," or "against the market square," and if a majority of the whole number of votes cast shall be "for the market square," then the lots or block named in the petition shall be purchased for such purpose by the ward, as hereinafter provided.

Form of ballots.

SECTION 2. If a majority of the whole number of votes cast at the election held for such purpose, shall be in favor of the proposition "for the market square," then the alderman and councilors of said fifth ward may bargain with and purchase of the owner or owners, the lands, lots or block specified in said petition, at a price not exceeding twenty-five thousand dollars; ten per cent. of the purchase money to be paid down, and the balance to be secured by bond and mortgage on said property, payable, ten per cent. of the purchase money annually, with annual interest at not more than seven per cent. per annum. And the alderman and councilors of said ward are hereby empowered and authorized to take a deed of said property, in the name of said ward, and to execute said bond and mortgage for and in the name of said ward, to be signed and sealed by them, as said officers of said ward, which shall bind said ward, and be valid to all intents and purposes.

When and by whom grounds may be purchased.

How to be paid for.

Deed, &c.

SECTION 3. The purchase made by virtue of this act, shall be in the name and for the use of said fifth ward; and the alderman and councilors of said ward, acting in behalf of the ward, shall have the control of the grounds so purchased, and the improvements that may be made thereon, and may lease, rent and regulate the same, from year to year; and all moneys received by them from the income thereof, shall be paid over by them to the city treasurer, for the use and benefit of said fifth ward; and the mayor and common council of the city of Milwaukee may, by ordinance for regulat-

Control of grounds, regulation of market, &c.

ing the sale of meats, provisions, vegetables, &c., confine the selling thereof within such limits as they may deem proper.

Tax for principal and interest.

SECTION 4. To pay the ten per cent. down on the purchase of said property, and to pay the annual interest and annual ten per cent. of said purchase money, as above specified, the mayor and common council of the city of Milwaukee shall cause a special and additional tax to be incorporated with the said ward tax, to be levied and collected, each year, on all the taxable property, real and personal, in said ward, sufficient to pay the ten per cent. down, and the interest and installments above specified, until the whole shall be paid, which said tax shall be collected at the same time and in the same manner that city and ward taxes are collected by law; and when collected, the same shall be applied to the payment of the principal and interest money on the purchase of said property, and for no other purpose: *provided*, that neither the city of Milwaukee nor any ward thereof, except the said fifth ward, shall be held responsible or become liable upon any contract made or work done, or on any other account, under this act.

Fifth ward alone responsible.

SECTION 5. So much of any act heretofore passed as conflicts with the provisions of this act, is hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1862.

CHAPTER 200.

[*Published April* 9, 1862.]

AN ACT to authorize the city council of the city of Green Bay to subscribe, in behalf of said city, fifteen thousand dollars to the capital stock of the Chicago and Northwestern railway company, and to provide for levying and collecting a tax to pay for the same.

Preamble.

WHEREAS, The city council of the city of Green Bay, in the county of Brown, were duly authorized by a majority of the electors of that city, being freeholders, at an election duly called and held for that purpose, under the provisions of chapter 125 of the private laws of 1859, to aid in the construction of a railroad from Appleton, in the county of Outagamie, to said city of Green Bay: therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City authorized to subscribe $15,000 in aid of Ch. and N. W. R. R.

SECTION 1. The city council of the said city of Green Bay are hereby authorized and required to subscribe, in the name and behalf of said city, to the capital stock of the Chicago and Northwestern railway company, the said sum of fifteen thousand dollars, voted as aforesaid by the electors of said city, if said company will receive the same and shall issue their capital stock therefor.

Payable in two equal installments.

SECTION 2. Such subscription shall be paid by said city in two equal annual installments, of seven thousand five hundred dollars each, the first installment to be paid on or before the first day of November next, and the second installment on or before the first day of November, 1863.

Tax to pay first installment.

SECTION 3. For the purpose of paying such subscription, the said city council shall, on or before the third Monday in the month of July, in the year one thousand eight hundred and sixty-two, levy the said sum of seven thousand five hundred dollars upon all the taxable property in said city, as appears by the last assessment roll filed with the clerk of said city.

Clerk to make out railroad tax list.

SECTION 4. It shall be the duty of the clerk of said city, on or before the first Monday in August then next ensuing, to make a fair copy of said assessment roll, and to calculate and carry out the amount of such

taxes, adding thereto five per cent. for the expense of collection, in an additional column provided for that purpose, setting opposite to the several sums set down as the valuation of real and personal estate, the respective names [sums] assessed as taxes thereon, in dollars and cents. Said copy of said assessment roll, with said taxes calculated and extended as aforesaid, shall forthwith be copied by said clerk in a book provided for that purpose. Said last named copy, so entered in said book, shall be designated as the railroad tax list, and to it shall be appended a warrant, signed by said clerk and sealed with the corporate seal of said city, and directed to the treasurer thereof, and shall be substantially in [the] following form, to wit:

Form of warrant

"The state of Wisconsin to the treasurer of the city of Green Bay: You are hereby commanded to collect from each of the persons and corporations named in the annexed railroad tax list, and of the owners of the real estate described therein, the taxes set down in such list opposite to their respective names and to the several parcels and lots of land therein described, within thirty days after the receipt of this warrant by you; and in case any person or corporation upon whom any such sum or tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed, and hold the moneys so collected, subject to the order of the city council of said city.

"Given under my hand, this —— day of ——, in the year 18—.

"———, Clerk of said city."

Tax list and warrant to be charged to treasurer.

SECTION 5. Said clerk shall immediately deliver said warrant and tax list to the treasurer of said city, and shall make a memorandum or entry thereof, and charge to such treasurer the amount of such tax in the proper book in his office. Before such warrant and tax list shall be delivered to said treasurer, he shall execute to said city a bond in double the amount of the taxes required to be collected by said warrant, with good and sufficient sureties, to be approved by said clerk, conditioned that he will duly and faithfully perform his duties as such treasurer in the collection of said tax, and faithfully and truly account for and pay over, according to law, all of such tax as shall come into his hands,

Treasurer to give bond.

and shall deliver such bond to said clerk, to be filed and kept in his office.

Notice of receipt of tax list and warrant.

SECTION 6. Upon the receipt of said tax list and warrant by said treasurer, it shall be his duty to give public notice in a newspaper published in said city, that said railroad tax list has been committed to him for the collection of said tax, and that he will receive payment of said tax at his office, for the term of ten days next ensuing said notice; and all persons paying said tax during said term, shall be entitled to a deduction of three-fifths of the amount included in said list as his fees for collecting such tax so paid.

Deduction on payments made within ten days.

Collection of taxes.

SECTION 7. After the time limited in such notice shall have expired, the said treasurer shall proceed to collect the taxes charged in such list and remaining unpaid, and for that purpose shall call at least once on the person taxed, or at the place of his usual residence, if in said city, and shall demand payment of the taxes charged to him on such list.

Receipts, &c.

SECTION 8. The said treasurer shall, on the payment to him of any part of such tax, give a receipt for the same, therein describing the lands or specifying the amount of personal property upon which the same is paid, and shall note on said tax list the payment thereof.

Treasurer may distrain, &c.

SECTION 9. In case any person or corporation shall refuse to pay the tax imposed on such person or corporation, the said treasurer shall levy the same by distress and sale of the goods and chattels of such person or corporation, wherever the same may be found within said city, or within the said county of Brown.

Notice of sale of property.

SECTION 10. The said treasurer shall give public notice of the time and place of such sale, and of the property to be sold, at least six days previous [previously] to the sale, by advertisement, to be posted up in three public places in said city; and the sale shall be at public auction, in the day time, and the property sold shall be present; but at any time previous [previously] to the sale, the owner or claimant of such property may release the same by the payment of the taxes, interest and charges for which the same is liable to be sold.

Property may be released on payment of taxes.

Resale.

SECTION 11. Whenever the purchase money on such sale shall not be paid at such time as said treasurer shall require, he may, in his discretion, again expose

the property for s
purchaser for the
same with costs, an

SECTION 12. If t
sold for want of bidd
statement of the fact
be collected in the sam
made.

SECTION 13. If the p
for more than the amount
plus shall be returned to
In case the said treasurer
assessed upon any personal
any person named in his ta
file with some justice of the
affidavit, stating that there is
property in said city assessed
that he, the said treasurer, ha
thereof, and is unable to collect th
of the peace shall thereupon issue
to such person, commanding him
before said justice, to answer, und
cause why he does not paid said tax
may be served by said treasurer, or
any constable of said county, by read
such person or in his hearing. Upon i
the return of the person serving such
the same was duly served on the person t
directed, and that he has failed or neglect
before said justice of the peace for twent
after the service of the summons, the said
the peace shall issue a warrant, directed to
or any constable of the county of Brown, cou
them [him] to forthwith arrest and bring suc
before him, the said justice.

SECTION 14. The justice before whom such
shall appear or is brought, shall cause him to
amined on oath, and any witness that may be pro
by him or by the said t, as to the fact whe
the person so arrested property liable to s
taxation, and as to the the person so arrest
to pay such tax; or if pear to the satisfac
tion of the justice fro ination, that he had
personal property sub axation at the time
the assessment was m he has money or

of war.

On failure to appear, war- rant may issue.

Examination, and order to pay.

nal, of any description, which for taxes, sufficient to pay said reof as such justice shall determed ought to pay, the justice shall g him to pay such tax forthwith; or refuse to pay such tax, as re-, no property belonging to him seizure and sale for the payment t shall appear from such examina- t sufficient money or property to t he had no personal property sub- the time the assessment was made, th discharged.

When person taxed may be discharged.

he justice before whom such exam- shall reduce the examination of the and all witnesses produced and exam- and cause the same to be subscribed examined, and the same shall be filed of the circuit court of said county; and trial is had in the circuit court, the ex- eturned shall be read on such trial, and ay produce other proof on such trial.

Evidence to be reduced to writing and filed.

. Every person feeling himself aggrieved on or order of the justice, as hereinbefore ay appeal to the circuit court of said coun- uting an undertaking to said city, with one reties, to be approved by said justice, con- o abide by and perform such order as the make in relation to the payment of such upon the execution of such undertaking, the hall forthwith cause him to be discharged, and urn said undertaking with the examination.

Appeal.

ON 17. The matter shall be tried in the circuit s other issues, and if the court or jury shall find h trial that the defendant had sufficient money, operty of any description not exempt from sale xes, to pay said tax at the time of his examina- before said justice, judgment shall be rendered nst him and the sureties in said undertaking for amount of such tax, and for all costs, fees and dis- rsements before the justice and in the circuit court; d an execution shall thereupon issue against the roperty of the defendants in said judgment, and no roperty belonging to the defendant shall be exempt from seizure and sale under said execution.

How issue to be tried.

the property for sale, or sue, in his name of office, such purchaser for the purchase money, and recover the same with costs, and ten per cent. damages.

If property not sold, &c.

SECTION 12. If the property so distrained cannot be sold for want of bidders, said treasurer shall return a statement of the fact, and the tax, if unsatisfied, shall be collected in the same manner as if no levy had been made.

Surplus, &c.

SECTION 13. If the property distrained shall be sold for more than the amount of the tax and costs, the surplus shall be returned to the owner of such property.

If tax not paid nor any property found, summons may issue, &c.

In case the said treasurer is unable to collect the tax assessed upon any personal property, and payable by any person named in his tax list, he shall make and file with some justice of the peace of his county, an affidavit, stating that there is such tax upon personal property in said city assessed against such person; that he, the said treasurer, has demanded payment thereof, and is unable to collect the same. Such justice of the peace shall thereupon issue a summons, directed to such person, commanding him to appear forthwith before said justice, to answer, under oath, and show cause why he does not paid said tax. Such summons may be served by said treasurer, or by the sheriff or any constable of said county, by reading the same to such person or in his hearing. Upon its appearing by the return of the person serving such summons, that the same was duly served on the person to whom it was directed, and that he has failed or neglected to appear before said justice of the peace for twenty-four hours after the service of the summons, the said justice of the peace shall issue a warrant, directed to the sheriff or any constable of the county of Brown, commanding them [him] to forthwith arrest and bring such person before him, the said justice.

On failure to appear, warrant may issue.

Examination, and order to pay.

SECTION 14. The justice before whom such person shall appear or is brought, shall cause him to be examined on oath, and any witness that may be produced by him or by the said treasurer, as to the fact whether the person so arrested had any property liable to such taxation, and as to the ability of the person so arrested to pay such tax; or if it shall appear to the satisfaction of the justice from such examination, that he had personal property subject to such taxation at the time the assessment was made, and that he has money or

property, real or personal, of any description, which is not exempt from sale for taxes, sufficient to pay said tax, or such portion thereof as such justice shall determine the person so arrested ought to pay, the justice shall make an order requiring him to pay such tax forthwith; and if he shall neglect or refuse to pay such tax, as required by such order, no property belonging to him shall be exempt from seizure and sale for the payment of such tax; but if it shall appear from such examination that he has not sufficient money or property to pay such tax, or that he had no personal property subject to taxation at the time the assessment was made, he shall be forthwith discharged.

When person taxed may be discharged.

SECTION 15. The justice before whom such examination is held, shall reduce the examination of the person arrested, and all witnesses produced and examined, to writing, and cause the same to be subscribed by the persons examined, and the same shall be filed with the clerk of the circuit court of said county; and in case a new trial is had in the circuit court, the examination so returned shall be read on such trial, and either party may produce other proof on such trial.

Evidence to be reduced to writing and filed.

SECTION 16. Every person feeling himself aggrieved by the decision or order of the justice, as hereinbefore provided, may appeal to the circuit court of said county, by executing an undertaking to said city, with one or more sureties, to be approved by said justice, conditioned to abide by and perform such order as the court may make in relation to the payment of such tax; and upon the execution of such undertaking, the justice shall forthwith cause him to be discharged, and shall return said undertaking with the examination.

Appeal.

SECTION 17. The matter shall be tried in the circuit court as other issues, and if the court or jury shall find on such trial that the defendant had sufficient money, or property of any description not exempt from sale for taxes, to pay said tax at the time of his examination before said justice, judgment shall be rendered against him and the sureties in said undertaking for the amount of such tax, and for all costs, fees and disbursements before the justice and in the circuit court; and an execution shall thereupon issue against the property of the defendants in said judgment, and no property belonging to the defendant shall be exempt from sei zure and sale under said execution.

How issue to be tried.

City attorney to appear for city.

SECTION 18. It shall be the duty of the city attorney to try for said city all cases in the circuit court provided for in sections sixteen and seventeen of this act.

Change of venue.

SECTION 19. Any person arrested and taken before a justice of the peace for examination, may cause such examination to be removed before the justice of the peace of the same county, nearest to the justice before whom he has been so taken by the treasurer, by making and delivering to the treasurer an affidavit stating that he believes such justice, from prejudice or other cause, will not decide impartially in the matter; and upon every such affidavit, the treasurer shall take the person so arrested before such nearest justice, who shall proceed therein in the manner hereinbefore provided; but such affidavit shall be made before such examination is commenced, and the person arrested shall not be entitled to remove the same more than once.

Tax may be received on part of lot, &c.

SECTION 20. The said treasurer shall receive the tax on any part of any lot or parcel of land, or any undivided interest or share therein, which the person paying the tax will clearly define; and if the tax on the remainder of such lot or parcel of land shall remain unpaid, said treasurer shall return such remainder and the tax due thereon to the clerk of said city; and if the part on which the tax is so paid, shall be an undivided share, the person paying the same shall state to the said treasurer the name of the owner of such share, that it may be excepted in case of sale for the tax on the remainder; for which purpose the said treasurer shall enter the name of such owner and a specification of such share in his account of the arrears of such tax, and the balance of such tax on such lot or parcel of land, shall be a lien on the residue thereof only.

Double assessments.

SECTION 21. If said treasurer shall discover that any lot or parcel of land has been assessed more than once for the same year, he shall collect only the tax justly due thereon.

Treasurer's fees.

SECTION 22. The said treasurer shall receive five per centum on all sums collected by him as such treasurer, according to the provisions of this act, except as provided in section six herein; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to collect and receive from the same, in addition, such fees as constables are

authorized to receive for levying upon and selling goods under execution.

SECTION 23. The said treasurer shall retain in his hands all moneys collected by him under the provisions of this act, subject to the order of the city council of said city.

Moneys collected subject to order of city.

SECTION 24. If any of the taxes mentioned in said tax list on personal property, shall at the time of the expiration of said warrant, remain unpaid, and the said treasurer shall be unable to collect the same, he shall make a schedule thereof from said tax list, with the name of the person or corporation taxed, and the amount of such tax so remaining unpaid opposite to such name, and annex thereto a warrant, under his hand, directed to the sheriff of said county of Brown, commanding him to collect from each of the persons and corporations named in such schedule, the amount of the unpaid taxes set down in such schedule opposite to their respective names, together with his fees for collecting the same, of the goods and chattels, lands and tenements of said persons and corporations respectively, and to pay the same to said treasurer, and to make return of such warrant within sixty days after the date thereof; and said treasurer may renew said warrant from time to time, either before or after the return of the same, for sixty days at one time, and not longer than one year after the date of such warrant.

Collection of delinquent taxes by sheriff.

SECTION 25. The sheriff to whom such warrant shall be delivered, shall proceed in the same manner, and shall have the same power to enforce the collection of the unpaid taxes specified in the schedule thereto annexed, against the several persons and corporations named in such schedule, as he would have upon execution issued out of a court of record of this state against the goods and chattels, lands and tenements of such persons or corporations: *provided*, that no law of this state, exempting any goods and chattels, lands and tenements, from forced sale under execution, shall apply to a levy and sale under such warrant.

How sheriff to proceed.

SECTION 26. Any person may discharge such tax on any lot or parcel of land, or on any part thereof or undivided share therein, as may remain unpaid after the expiration of the warrant for the collection thereof, by paying the same, with interest and all lawful charges thereon, at 12 per cent., at any time from the expira-

Discharge of tax.

tion of the warrant, to said treasurer, at any time before the day of sale hereinafter provided, and shall be entitled to a receipt therefor, as provided by section eight of this act.

When delinquent lands subject to sale.

SECTION 27. All lots and parcels of land upon which such tax, with the interest and charges, shall not be paid by the eighth day of September next after the levying of such tax, shall be subject to sale, as hereinafter provided.

When to be sold.

SECTION 28. The said treasurer shall, immediately after the day specified in the preceding section, make out a statement of all such lands, containing a brief description thereof, with an accompaying notice, stating that so much of each lot or parcel of land described in said statement, as may be necessary therefor, will, on the seventeenth day of October, ——, be sold by him, at public auction, at his office in said city, for the purpose of paying such unpaid taxes, together with all costs which may have accrued.

Notice of sale.

SECTION 29. Said treasurer shall cause such statement and notice to be published in a newspaper printed in said county of Brown, once in each week for four successive weeks prior to the seventeenth day of October aforesaid; and said treasurer shall also, at least four weeks previous [previously] to said day, cause to be posted up copies of said statement and notice, in three public places in said city, and in some conspicuous place in his office.

Sale of lands, certificate of purchase, &c.

SECTION 30. On the day and at the place mentioned in said notice, the said treasurer shall commence the sale of such lots, tracts and parcels of land, and continue the same from day to day, until so much thereof is sold as will pay the taxes and costs charged thereon, agreeably to the provisions of this act; and the treasurer shall make out and deliver to the purchaser of any lot or tract of land, or any portion thereof, a certificate, setting forth the description of the lot or tract sold, the amount for which the same was sold, the name of the purchaser, and the time when the purchaser will be entitled to a deed of the premises; and if the person claiming the title of the lot, tract or parcel of land, or parts thereof, sold and described in such certificate, shall not, within two years from the date thereof, pay to the treasurer of said city, or his successor in office, for the use of the purchaser, the sum mentioned in said

If lands not redeemed, deeds to issue to purchasers.

certificate, together with interest thereon, at the rate of twenty-five per cent. per annum, from the date of said certificate, the said treasurer or his successor in office shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lot, tract or parcel of land, or parts thereof, described in such certificate; which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate, in fee simple; and said conveyance, or the record thereof, shall be evidence that said sale and all proceedings prior thereto, were regular and in accordance with the provisions of this act; and any such conveyance, executed by the treasurer under his hand and seal, and the execution thereof, witnessed and acknowledged as by law required in other cases, may be given in evidence and recorded in the same [manner] and with like effect, as a deed by the former owner of such premises.

Purchase of lands by city.

SECTION 31. If any such lot, tract or parcel of land cannot be sold for the amount of the tax, interest and charges thereon, the said treasurer shall bid off the same for the city, for such amount.

Fees.

SECTION 32. All lots, tracts and parcels of land advertised as provided in section twenty-nine of this act, shall be subject to a charge of fifteen cents for each lot, tract or parcel so advertised; and (*for*) each lot, tract or parcel of land, or part thereof, which shall be sold as aforesaid, shall be chargeable with the following fees: for each certificate to be given to any purchaser, twelve and a half cents; for each conveyance executed in pursuance of the provisions of this act, one dollar.

When second installment of tax to be paid.

SECTION 33. The second installment of seven thousand five hundred dollars mentioned in section two of this act, shall be levied and collected in the same manner as the first installment, and all the provisions of this act shall apply to the levy, collection and payment thereof.

Repeal.

SECTION 34. All acts or parts of acts inconsistent herewith, are hereby repealed.

SECTION 35. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1862.

CHAPTER 201.

[*Published April* 7, 1862.]

AN ACT to authorize the assessment of the real property of the town of Sun Prairie, in the county of Dane, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. It shall be the duty of the assessor or assessors of the town of Sun Prairie, in the county of Dane, to assess all real property of said town for the year 1862, (*and*) which assessment shall be made and equalized as is now provided by law for biennial assessments and equalization in said town, and when so completed, shall be the assessment roll for said town for the year 1862, for all purposes.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1862.

CHAPTER 204.

[*Published April* 8, 1862.]

AN ACT to amend chapter 134 of [the] private & local laws of 1856, entitled "an act to incorporate the city of La Crosse," approved March 14th, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The act incorporating the city of La Crosse, is hereby amended by adding the following words to the end of sec. [section] seven of chapter six of the subdivision of said act, to wit:

Street improvements—award of damages.

"Whenever the general interest of the city, or any ward thereof, requires deep cutting or extraordinary filling in any street, [and] the owners of the lots or lands fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the street commissioners of the ward in which such cutting or filling is required to be done, in writing,

that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the street commissioners shall require the marshal to summon five freeholders, not residents of the ward nor owners of nor interested in said lot or land, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine [such excavation or filling,] and if in their opinion the cost of such work shall exceed the benefit derived therefrom, it shall be their duty to make report thereof to said commissioners, and they shall state therein what portion of such work shall be chargable [chargeable] to such lot or parcel of land, and how much or what portion shall be chargable [chargeable] to the city; and such proportion as shall be reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same and levied and collected as other taxes and assessments, and the remainder shall be paid by the city: *provided, however*, that the petition of no owner feeling himself aggrieved by an act of the street commissioners, shall be received unless the same shall be presented within fifteen days after the first publication of the notice requiring the same to be done; *and provided, further*, that when it shall appear to the street commissioners that lands belonging to non-residents, infants or persons laboring under legal disability, who shall not be represented by an agent or guardian, or not benefited by the making of streets in front of such lots or lands, to the amount of the cost and expense thereof, it shall then be the duty of said commissioners to cause to be summoned a jury as is herein provided; and in case any jury called as is provided in this section, shall not be able to agree, then the street commissioners shall cause another jury to be summoned, as is herein provided."

When petition to be presented.

Lands of non-residents, &c.

SEC. 2. The act incorporating the city of La Crosse, is hereby amended by adding the following words to the end of section eight of chapter six of the subdivision of said act, to wit: "*provided*, that in no event where work is ordered to be done at the expense of any lot or parcel of land, shall either the city or any ward be held responsible for the payment thereof."

When city not responsible for expense of improvements.

SEC. 3. Section five of chapter seven of the subdivision of said act, is hereby amended by striking out the words "the first Monday of August," and insert-

When amount of city tax to be determined.

ing in the place thereof the words "first Monday of November."

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 4, 1862.

CHAPTER 205.

[*Published April* 7, 1862.]

AN ACT to amend chapter 252 [of the] private and local laws of 1858, entitled "an act to amend an act to incorporate the city of La Crosse, approved March 14th, 1856," approved May 15th. 1858.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sale of lands for non-payment of taxes.

SECTION 1. Section three of the act to which this act is amendatory, is hereby amended by striking out all of said section after the words "is amended as follows," and inserting in the place thereof the following words, viz.: "In all cases of non-payment of taxes upon any lot or lots, or real estate in said city, it shall be the duty of the treasurer of said city to proceed to advertise and sell such lots and real estate, and give to the purchaser, his heirs or assigns a certificate, in the same manner as is now or may hereafter be prescribed by [the] general laws of this state for the sale of lands for the non-payment of taxes in the several counties of this state, by county treasurers; and all sales so made and the certificates so issued by the treasurer of said city, shall have the same validity and effect as is now or may hereafter be given to sales made and certificates issued by county treasurers in like cases; and the treasurer of said city shall immediately after the close of the sale of any lands for taxes, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to such tax sale, to be filed and preserved therein; also, a statement containing a particular description of each tract and parcel of land so sold by him, specifying the name of the person to whom sold, the amount for which the same was sold, and the

name of the owner, if known; and the said treasurer and clerk shall each record such statements in a book to be kept by each of them for that purpose, in their respective offices.

Lands struck off to city.

SECTION 2. Section four of the act to which this act is amendatory, is hereby amended by adding at the end of said section, the following words: "All real estate struck off to the city, as provided by this section, shall continue liable to be taxed, and such taxes, interest and charges thereon shall be a lien on such real estate, and shall be paid out of the city treasury, while such real estate belongs to said city; but no real estate so struck off to the city shall be offered for sale for any taxes levied thereon, subsequent [subsequently] to the time when it shall be so struck off to said city, until it shall have been redeemed, or shall be sold by the city, or the tax certificates issued to the city shall have been assigned."

Redemption of lands sold for taxes.

SECTION 3. Section six of the act to which this act is amendatory, is hereby amended so as to read as follows: "Any lot or tract of land so sold, or any portion thereof, may be redeemed by payment to the clerk of said city of the amount for which the same was sold, with the same rate of interest and charges, in the same manner, by the same persons, within the same time, as is or may hereafter be prescribed by law for the redemption of lands sold for taxes in the several counties of this state, by payment to the clerk [clerks] of the board [boards] of supervisors."

Validity of tax deeds, &c.

SECTION 4. Section seven of the act to which this act is amendatory, is hereby amended by striking out the word "treasurer" wherever it occurs in said section, and inserting in the place thereof the words "clerk of said city;" also, by striking out the words "and every such deed shall be *prima facie* evidence of the regularity and correctness upon which its validity may depend," and inserting in the place thereof the following words, viz.: "and every such deed shall have the same validity and effect as is or may hereafter be given by the general laws of this state to deeds of real estate made by the clerks of the board [boards] of supervisors in the several counties in this state, for the non-payment of taxes thereon; and the grantee named in such deed, his heirs and assigns, shall have the same rights, and may perfect his title in the same manner, and the

former owner or owners of said land and all persons claiming under him or them, shall make only the same defences [defense] to such deed, and can bring actions to annul such deed only under the same limitations and conditions as is or may hereafter be provided by the general laws of this state in the case of grantees, their heirs and assigns, and former owners and all persons claiming under them, when a deed is issued by the clerk of the board of supervisors for the non-payment of taxes."

Fees of clerk.

SECTION 5. Section eight of the act to which this act is amendatory, is hereby amended by striking out the word "such" where it first occurs in said section, and inserting in the place thereof the word "his;" and also by adding at the end of said section the following words: "The clerk of said city shall receive for his services the same fees and compensation as is or shall hereafter be allowed and paid to the clerk of the board of supervisors for similar services; and it is hereby declared to be the meaning and intent of this law, to confer all the powers and duties of the clerk of the board of supervisors of the county of La Crosse, so far as relates to taxes on lots and lands within the city of La Crosse, upon the clerk of said city."

Duty of treasurer, &c.

SECTION 6. The treasurer of said city shall, on the first day of May next, deposit in the office of the clerk of said city, all affidavits, notices and papers in relation to each sale heretofore made by such treasurer, under the provisions of the act to which this act is amendatory, to be filed and preserved therein; also, a statement as to each such sale similar to that required to be made by such treasurer by the provisions of the first section of this act, which said statement shall be recorded by said clerk, as provided in said first section of this act; and all real estate heretofore sold as aforesaid may be redeemed by payment to the said clerk, and if not redeemed, the said clerk shall issue deed [deeds] in the same manner and with the same effect as is provided in other cases by this act.

Take effect.

SECTION 7. This act shall be published immediately after its passage, and shall take effect and be in force from and after the 1st day of May, A. D. 1862.

SECTION 8. All acts and parts of acts conflicting with the provisions of this act, are herby [hereby] repealed.

Approved April 4, 1862.

CHAPTER 209.

[*Published April* 8, 1862.]

AN ACT to amend chapter 280 of the private and local laws of 1854, entitled "an act to incorporate the village of Sheboygan Falls," and to amend chapter 212 of the private and local laws of 1858, entitled "an act to amend an act entitled 'an act to incorporate the village of Sheboygan Falls,' approved April 1st, 1854."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Qualification of electors.

SECTION 1. Chapter two hundred and eighty of the private and local laws of 1854, entitled "an act to incorporate the village of Sheboygan Falls," is hereby amended by striking out of section three of said chapter the words "and at all elections for officers under this act, subsequent to the first election, no person shall be a qualified elector unless he shall have paid his poll tax."

Repeal.

SECTION 2. Sections four, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of said chapter, are hereby repealed.

Poll tax—under whose direction to be expended.

SECTION 3. Section eleven of said chapter is hereby amended by striking out of the twenty-third article of said section, the words "under the direction of such person or persons as they may appoint," and inserting in lieu thereof the words "under the direction of an overseer or overseers of highways, to be appointed by the president and trustees of said village, and when so appointed to have the same powers to collect said tax as are now legally exercised by overseers of highways in the several towns."

Amendment.

SECTION 4. Section eleven of said chapter is hereby amended by striking out of article twenty-two of said section, the words "and such taxes shall be levied on the assessment roll as made by the assessors of the town of Sheboygan Falls, in the month of May annually: *and provided, further*, that all lands lying and being within said village, used for farming purposes, and not laid out into lots and blocks, a plat whereof shall have been duly recorded, shall be subject only to such amount of taxes as said lands would have been subject to had not this act been passed."

Two justices of the peace.

SECTION 5. Chapter two hundred and twelve of the private and local laws of 1858, entitled "an act to amend an act entitled 'an act to incorporate the village of Sheboygan Falls,' approved April 1, 1854," is hereby amended by striking out the words, "one justice of the peace," where it occurs [they occur] in section two of said chapter, and insert [inserting] in lieu thereof the words, "Said village shall be entitled to two justices of the peace, one of whom shall be elected annually, and they shall hold their office for the term of two years; and when duly elected and qualified, they shall have and exercise the powers and jurisdiction of (and be subject to all the provisions of law concerning) justices of the peace of the several towns."

Taxes.

SECTION 6. Section eight of said chapter two hundred and twelve, is hereby amended by inserting after the word "therein," where it occurs in said section, the words, "and all taxes levied by the president and trustees of said village for corporation purposes."

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 210.

[*Published April* 8, 1862.]

AN ACT for the relief of the Rock county agricultural society and mechanics' institute.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Order of secretary of state on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Rock county agricultural society and mechanics' institute, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received and filed previous [previously] to the first day of February, 1862.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 212.

[*Published April* 8, 1862.]

AN ACT to provid for the apportionment of certain school moneys to the city of Racine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows :

Statement of amount raised for school purposes in Racine.

SECTION 1. The city clerk of the city of Racine is hereby directed forthwith to make out and transmit to the state superintendent of public instruction, certified copies of all resolutions and proceedings of the city council of said city, passed or had during the year 1861, relating to the raising of any money for school purposes, and to report the amount ordered to be raised for said year, for such purposes, in said city.

When state superintendent may apportion school money in said city.

SECTION 2. If it shall appear from said report, that a sufficient tax has been raised by the city council of said city, for the support of common schools therein, in said year, to entitle said city to a portion of the state school fund, it shall be and is hereby made the duty of said state superintendent, within the time now provided by law for the distribution of the income of the school fund among the several counties in this state, for the year 1861, or as soon thereafter as practicable, to apportion to said city the proportion of school money for said year, to which it may be entitled, and to certify such apportionment to the state treasurer. Said superintendent shall thereupon give notice of such apportionment to the city clerk of said city, stating the amount apportioned to said city, and the time when the same will be payable.

Application therefor.

SECTION 3. The treasurer of said city shall apply for and receive from the state treasurer, the school moneys apportioned to said city for said year, as soon as the same shall become payable.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 213.

[*Published April* 8, 1862.]

AN ACT to prohibit certain kinds of fishing in the county of Door, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fishing with nets.

SECTION 1. No person or persons shall set or fish with any pound or trap-net, or nets, or any other device, in more than twenty feet depth of water, off the the south point, or under the south point, or on the south point, of any bay or inlet on the west shore of Lake Michigan, in Door county, in this state, and any person violating the provisions of this section shall, on conviction thereof, suffer a fine of not less than ten nor more than fifty dollars, for each and every offense.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 214.

[*Published April* 8, 1862.]

AN ACT to appropriate to jt. [joint] select committee to visit St. Mary's hospital, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$10 to each.

SECTION 1. The sum of ten dollars each is hereby appropriated to F. O. Thorp, N. S. Cate, George R. Gregory, W. W. Reed, J. M. Morrow, joint select committee to visit St. Mary's hospital, out of any money in the treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 215.

[*Published April* 8, 1862.]

AN ACT to appropriate to the St. Mary's hospital, in the city of Milwaukee, the sum of three thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the St. Mary's hospital association of the city of Milwaukee, the sum of three thousand dollars, to be paid out of any money in the treasury not otherwise appropriated. $3,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 216.

[*Published April* 8, 1862.]

AN ACT to provide for the payment of [the] joint select committee on taxation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The joint select committee, appointed under senate joint resolution number thirty-seven, to consider the subject of taxation, is hereby authorized to sit during the recess of the present legislature, at such places as may suit the convenience of said committee; and each member of said committee shall be paid the sum of two dollars and fifty cents per diem, for each day devoted by such member to the buisness [business] of the committee, during the recess. May sit during recess. Per diem.

SECTION 2. Every member of such committee may present to the secretary of state his account, certified to by him, for the per diem allowance due him at the time of presentation, as herein provided; and it shall be the duty of the secretary of state to audit such account and draw his warrant therefor on the state treasurer. Secretary of state to audit accounts.

Appropriation.

SECTION 3. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated, a sum sufficient to pay the accounts to be audited under this act.

SECTION 4. This act shall be published and take effect immediately.

Approved April 7, 1862.

CHAPTER 217.

[*Published April* 8, 1862.]

AN ACT to appropriate to the committee on benevolent institutions the sum of fifteen dollars each.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$15 to each.

SECTION 1. The sum of fifteen dollars each is hereby appropriated to E. Montgomery, S. Cole, G. W. Hazelton, F. P. Arnold, A. W. Starks, B. F. Adams, Ole Johnson and H. C. Hamilton, out of any money in the state treasury not otherwise appropriated, being payment in full for expenses for visiting the several benevolent institutions of the state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 218.

[*Published April* 8, 1862.]

AN ACT to appropriate to the institute for the education of the blind, the sum of eight thousand eight hundred dollars, for the purpose of defraying the current expenses of the year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of ($8,800) eight thousand eight hundred dollars is hereby appropriated to the institute for the education of the blind, out of any money in the state treasury not otherwise appropriated, being payment in full for the current expenses of the ensuing year. $8,800.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 219.

[*Published April* 8, 1862.]

AN ACT to appropriate to the state reform school, the sum of six thousand dollars, for the purpose of defraying the expenses of the ensuing year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of six thousand dollars is hereby appropriated to the state reform school, out of any money in the state treasury not otherwise appropriated, being payment in full for defraying the current expenses of the ensuing year. $6,000

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 220.

[*Published April* 8, 1862.]

AN ACT to provide for indexing and transcribing the journals of the senate and assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to J. H. Warren and J. S. Dean.

SECTION 1. There is hereby appropriated to John H. Warren, chief clerk of the senate, and to John S. Dean, chief clerk of the assembly, the sum of one hundred dollars each for indexing, and the sum of one hundred dollars each in full for completing the transcribing of the senate and assembly journals for the regular and adjourned sessions of the legislature of 1862.

When secretary of state to draw warrants.

SECTION 2. It shall be the duty of the secretary of state to draw his warrant upon the state treasurer for two-thirds of the amount hereby appropriated, when satisfied that the indexing and transcribing of the said journals, respectively, has [have] been completed up to the seventh day of April, 1862, and to draw his warrant for the remainder of the sum hereby appropriated respectively, on the final completion of the indexing and transcribing provided for by section one of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 244.

[*Published April* 10, 1862.]

AN ACT to authorize the transcribing and to make evidence of certain records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Transcript of judgments docketed in Outagamie co.

SECTION 1. The board of supervisors of the county of Shawanaw are hereby authorized and empowered to cause to be made, by or under the direction of the

clerk of the circuit court of Shawanaw county, a full and complete transcript of all judgments heretofore rendered and docketed in the county of Outagamie, that are a lien upon the lands in or against the property or persons of any resident of the county of Shawanaw.

Shall be received as evidence, &c.

SECTION 2. The board of supervisors of Shawanaw county shall provide a book or books in which to transcribe said judgment records, and when so transcribed, shall be and remain the property of said county, and be deposited in the office of the clerk of the circuit court of said Shawanaw county; and the said records, when so transcribed, shall be taken as evidence in all courts and places, when certified to as now provided by law for certifying to transcripts of judgments, and have the same force and effect as the original transcript of judgments would have.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 245.

[*Published April* 7, 1862.]

AN ACT to amend chapter 14 of the general laws of 1862, entitled "an act to provide for the relevy of taxes in the county of Pierce, for the year 1861."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 14 of the general laws of 1862, is hereby amended by the following additional sections:

When delinquent taxes on state lands for 1862 to be returned, and the 25 per cent. added.

"SECTION 10. The return of delinquent taxes on state lands and on lands mortgaged to the state, to be made to the state treasurer as required by section 4 of chapter 306 of the general laws of 1860, shall be made for the present year on or before the first day of June, and the 25 per cent. to be added thereto by the state treasurer on the first day of June, as required by section 5 of said chapter 306 of the general laws of 1860,

shall not be added until after the first day of July, 1862.

Collection of taxes and return of warrants.

"SECTION 11. All town and city treasurers in office at the time of the delivery of the tax warrants, as provided in section 5 of chapter 14 of the general laws of 1862, are hereby authorized and directed to collect the taxes as required in such warrants, and to make returns as provided in said chapter 14; and all such treasurers shall have the same authority and be subject to the same responsibilities, so far as the collection of these taxes are concerned, as though their term of office had not expired: *provided*, that all such treasurers shall give a bond as required in section 57 of chapter 18 of the revised statutes, before proceeding with the collection of the taxes, as authorized by this act."

Bonds.

SECTION 13, [2.] This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 246.

[*Published April* 10, 1862.]

AN ACT to appropriate to the Wisconsin state hospital for the insane, the sum of ($30,000) thirty thousand dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$30,000.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated to the Wisconsin state hospital for the insane, out of any money in the state treasury not otherwise appropriated, being payment in full for the current expenses of the ensuing year, and for the purchase of furniture for the west wing of said hospital.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 247.

[*Published April* 11, 1862.]

AN ACT to appropriate to the institution for the education of the deaf and dumb, the sum of ($12,200) twelve thousand two hundred dollars.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The sum of twelve thousand two hundred dollars, is hereby appropriated to the institute for the education of the deaf and dumb, out of any money in the state treasury not otherwise appropriated, being payment in full for the current expenses of the ensuing year, and the support of the indigent pupils. $12,200.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 260.

[*Published April* 11, 1862.]

AN ACT to provide for depositing certain papers in the quartermaster general and the commissary general's departments, in the office of the secretary of state, and constitute the same legal evidence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The quartermaster general and the commissary general are hereby authorized and required to deliver all evidences of claims allowed, and all vouchers therefor, filed or remaining in their several departments respectively, paid or payable from the "war fund," to the secretary of state, and the said secretary of state is hereby instructed to deposit and safely keep the same in his office; and the said vouchers shall be received as evidence in all courts, in the same manner and with like effect as the original vouchers now on file in the office of the secretary of state.

Vouchers to be filed with secretary of state, &c.

Shall be received as evidence.

What vouchers secretary need not copy.

SECTION 2. The secretary of state shall not be required to copy any of the evidences of claims allowed, or the vouchers therefor, now on file in his office, the duplicate of which shall be delivered to him in pursuance of the provisions of the foregoing section of this act, nor shall the said secretary be required to copy any evidences of claims allowed, or vouchers therefor, filed in his office, except the originals thereof shall be required to be removed from his office by the governor, for the purpose of effecting a settlement of the claims of this state against the United States, any law or resolution to the contrary notwithstanding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 266.

[*Published April* 11, 1862.]

AN ACT to authorize the purchase of steam boilers for the Wisconsin state hospital for the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The trustees of the Wisconsin state hospital for the insane, are hereby authorized and empowered to purchase two new steam boilers for the use of the said institution, if in their opinion the boilers now in use cannot be relied on till the spring of 1863.

Appropriation.

SECTION 2. Should the said board of trustees deem it necessary to purchase boilers as authorized by section one of this act, then and in that case the sum of twenty-five hundred dollars is hereby appropriated out of any money in the state treasury not otherwise appropriated, to apply on the purchase of such boilers; and any balance required to pay for said boilers and the necessary fittings, shall be by them paid out of the money appropriated for current expenses of the said institution: *provided*, that said trustees are hereby authorized to sell the boilers now in use, and pay the proceeds of such sale to the hospital treasurer, to be drawn on for current expenses of the hospital.

Old boilers may be sold.

Approved April 7, 1862.

CHAPTER 282.

[*Published April* 11, 1862.]

AN ACT to provide for the publication of the list of unredeemed lands in the county of Clark, in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

List of unredeemed lands for taxes of 1858, to be published.

SECTION 1. The clerk of the board of supervisors of the county of Clark, in this state, is hereby authorized and required to publish the list of all unredeemed lands, together with a notice, as now required by law, of the lands which were sold by the treasurer of the said county of Clark, in the month of May, in the year 1859, for the taxes, interest and charges thereon, accruing in consequence of the non-payment of the taxes assessed thereon, in the year 1858.

When to be published.

SECTION 2. The said clerk of the board of (*the*) supervisors, shall make out a list of all such undredeemed lands, together with said notice, and cause the same to be published in some newspaper printed in the said county of Clark, which shall be designated for that purpose by an order of the board of supervisors of the said county of Clark; and the clerk of said board of supervisors shall deliver such notice and list of unredeemed lands to such newspaper designated by said board, (*a sufficient time prior to*,) so that the first publication of said list and notice may be made in said newspaper on or before the fifteenth day of June, A. D. 1862.

Redemption.

SECTION 3. Said list and notice shall be published in such newspaper in all respect as now provided by law; and any person shall be entitled to redeem any of such lands at any time within six months after the publication of the list and notice, as required by this act.

Validity of deeds.

SECTION 4. All deeds and conveyances of any lands mentioned in the notice and list which shall be published, as required by the provisions of this act, and which shall not be redeemed within six months after the publication of such list and notice, shall be as valid and effectual as if said notice and list had been published within the time [required by] and agreeably to the general laws of this state.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 283.

[*Published April* 12, 1862.]

AN ACT in relation to the return of delinquent lands in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

Revived.

SECTION 1. That sections twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and nineteen, of chapter ninety-six of the private and local laws of 1859, and chapter seventy-four (74) of the general laws of 1861, are hereby repealed, and all acts and parts of acts repealed by section twelve (12) aforesaid, are hereby revived and enacted.

Return of delinquent lands.

SEC. 2. The clerk and treasurer of the city of Beaver Dam shall, on or before the first day of April, 1862, make out and return to the county treasurer of Dodge co. [county] a list of all lands & lots upon which the taxes for the year 1861 have not been paid; and shall annually thereafter make out and return like lists, at the same time and [in the same] manner as town treasurers are by law required to do.

Deposit of records, &c., relating to sale of lands.

SEC. 3. On or before the first day of April, 1862, the clerk and treasurer of the city of Beaver Dam shall deposit with the clerk of the board of supervisors of the county of Dodge, all the records & papers in their respective offices, relating to the sale of lands for unpaid taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 284.

[*Published April* 12, 1862.]

AN ACT to postpone the sale of lands in the county of St. Croix, for delinquent taxes for the year 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The sale of lands in the county of St. Croix, and state of Wisconsin, for the delinquent taxes of the year of 1861, is hereby postponed until the first Tuesday in September next; and the county treasurer of said county is hereby required to advertise said delinquent lands on which the taxes remained unpaid, at least four weeks preceeding [preceding] such sale, and shall sell the same in the manner required by law on the first Tuesday in September, 1862. Postponed to Sept. 2d.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 285.

[*Published April* 12, 1862.]

AN ACT to amend chapter 38 of the general laws of 1862, [entitled] "an act to extend the time of the payment of taxes in the county of Wood."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town treasurers of Wood county are hereby authorized and required to return to the county treasurer of said county, on the 3d Monday of May next, all school, university and swamp lands not patented by the state, and all [lands] mortgaged to the state, contained in the several assessment rolls upon which the taxes remain unpaid, on that day. And the said county treasurer shall make the return of such delinquent lands to the state treasurer, [as] required by section 4 of chapter 306 of the general laws of 1860, Return of delinquent state lands.

When the 25 per cent. to be added.

on or before the first day of June next; and the twenty-five per cent. to be added thereto by the state treasurer, as required by section 5 of said chapter, shall not be added until after the first day of July, 1862.

SECTION 2. This act shall take effect from and after its passage.

Approved April 5, 1862.

CHAPTER 286.

[*Published April* 12, 1862.]

AN ACT to authorize the assessors of the town of Franklin, in the county of Manitowoc, to reassess the real estate in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When reassessment to be made, &c.

SECTION 1. The assessor of the town of Franklin, in the county of Manitowoc, is hereby authorized and required to reassess and value the real estate in said town at the time of the assessment by such assessor of personal property in said town in the year 1862; and such assessment and valuation shall be taken and received as the true assessment and valuation of the real estate in said town, for such year: *provided, however,* that the aggregate value of the real estate of said town, as equalized in the year 1861, shall not in any manner be changed by such new assessment and valuation.

Aggregate value of real estate not to be changed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 287.

[*Published April* 12, 1862.]

AN ACT to authorize the assessment of the real property of the town of Westford, in the county of Dodge, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the assessors of the town of Westford, in the county of Dodge, to assess all the real property of said town for the year 1862, (*and*) which assessment shall be made and equalized in all respects as is now provided by law for biennial assessments and equalization, and when so completed, shall be the assessment roll of said town for the year 1862, for all purposes: *provided*, that the aggregate amount of such assessment shall be the same as the aggregate amount of the assessment of said town for the year 1861.

Reassessment and equalization.

Aggregate to be same as in 1861.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 288.

[*Published April* 12, 1862.]

AN ACT to authorize the town of Belgium, in the county of Ozaukee, to make a new assessment of real estate in said town, for the year 1862.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The town of Belgium, in the county of Ozaukee, is hereby authorized to make a new assessment of real estate in said town, for the year 1862, and to equalize the same as now provided by law for the assessment and equalization of taxes; and the assessment roll of said town, when completed as now required by law, shall have full force and effect for all purposes whatsoever.

New assessment authorized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 289.

[*Published April* 12, 1862.]

AN ACT to authorize the town clerk of the town of Wautoma, Waushara county, to make return of a special school district tax, as delinquent, to the treasurer of said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Return of special school district tax.

SECTION 1. The town clerk of the town of Wautoma, county of Waushara, is hereby authorized and required to make return to the county treasurer of Waushara county, within ten days after the passage of this act, of the special school district tax returned to said town clerk by the treasurer of school district number seven, of the town of Wautoma, on the twenty-second day of April, 1861.

Apportionment of tax.

SECTION 2. The said town clerk is hereby required, within the ten days aforesaid, to apportion and enter in the assessment roll of his town for the year 1861, opposite the respective names and estate [estates] of the several corporations and persons liable to pay said tax, the amount of such special tax chargeable thereon, according to the return of the district treasurer aforesaid, and to transcribe such entries on the duplicate assessment roll of said town, now on file in the office of the treasurer of said county of Waushara. Such entry, when so made and transcribed, shall be as valid and effectual as if the same had been duly made by said town clerk before the delivery of said duplicate assessment roll to the treasurer of the town of Wautoma; and the transcribing thereof, in said duplicate assessment roll, as hereinbefore mentioned, shall have the same force and effect, so far as relates to those lands which were returned with delinquent taxes thereon, as if said town treasurer of said town of Wautoma had returned said

special school district tax to said county treasurer, as delinquent with such other delinquent taxes.

Amount to be added to delinquent list of Wautoma, for 1861, &c.

SECTION 3. The county treasurer aforesaid is hereby authorized and required to add the amount of the special tax, hereinbefore required to be entered and returned to him as delinquent, to the taxes contained in the delinquent return of the town treasurer of the town of Wautoma, for the year 1861; and thereafter said special tax shall constitute a part of the taxes due and collectable on such lands, in like manner as if the same had been duly inserted in the assessment roll and returned as delinquent, with the other taxes chargeable on the same lands; and any sale of such lands for such delinquent taxes shall be as valid and effectual as if the return of said lands and taxes had been made in the manner provided by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 290.

[*Published April* 12, 1862.]

AN ACT changing the time of holding the annual meeting in joint school district number one, in the city of Prescott and towns of Oak Grove and Clifton, in the county of Pierce.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fourth Monday in August.

SECTION 1. The annual school meeting of joint school district number one, in the city of Prescott and towns of Oak Grove and Clifton, in Pierce county, shall hereafter be holden on the fourth Monday in August, of each year, and the hour of such meeting shall be six o'clock P. M.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved April 5, 1862.

CHAPTER 291.

[*Published April* 12, 1862.]

AN ACT to incorporate the Woodstock union school district, in the county of Richland.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Limits of district.

SECTION 1. That the school districts and parts of districts, within the towns of Henrietta and Bloom, county of Richland, situate within the limits hereinafter described and defined, to wit: to include all of sections thirty and thirty-one, and the south half of section nineteen, in township number twelve north, of range number one east, and all of sections twenty-five and thirty-six, and the south half of section twenty-four, in township number twelve north, of range one west, are hereby constituted, and shall hereafter constitute, one school district, under the name and title of "the Woodstock union school district."

Body corporate.

SECTION 2. The Woodstock union school district shall, when organized under the provisions of this act, be a body corporate, with perpetual succession, and shall possess all the powers and receive all the benefits and enjoy all the rights and privileges conferred by law on common school districts; and in addition thereto, the qualified voters, when lawfully assembled, on the third Monday of September, in each year, shall elect three directors, one clerk and one treasurer, who shall constitute the district board of said district.

Annual election.

First election.

SECTION 3. It shall be lawful for, and Thomas C. Clark is hereby authorized to call a meeting of the legal voters of said union school district, on or before the third Monday of September, 1862, at the house of Robert J. Stephenson, in said district, giving six days' previous public notice thereof, and the officers elected at said meeting will [shall] hold their office until the third Monday of September, 1863, and until their successors are elected and qualified.

Hiring teachers.

SECTION 4. It shall require a majority of the district board to hire a teacher or teachers in said district, and conduct the general business of the district.

Government.

SECTION 5. The said district to be governed in all respects by the general laws relating to common schools,

which are now in force or which may hereafter be enacted in this state, except such as may conflict with this bill, [act.]

Approved April 5, 1862.

CHAPTER 292.

[*Published April* 12, 1862.]

AN ACT to provide for the expenditure of the drainage fund in the town of Ahnepee, in Kewaunee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Drainage of swamp lands on Ahnapee river.

Commissioner—his bond, salary, &c.

SECTION 1. For the purpose of draining the swamp lands along the banks of the Ahnepee river, in the county of Kewaunee, the drainage moneys belonging to the town of Ahnepee, in said county, shall be expended in opening the mouth of said Ahnepee river. David Youngs is hereby appointed a commissioner for the purpose of expending such moneys. The said Youngs shall, before entering upon the duties of his appointment, give such bond to the town board of the town of Ahnepee, for the faithful performance of his duties under the provisions of this act, as they may deem proper; and he shall receive for each day actually and necessarily spent by him in the performance of the duties enjoined by this act, the sum of one dollar (*per day.*)

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 293.

[*Published April* 12, 1862.]

AN ACT to amend chapter 225 of the general laws of 1860, entitled "an act to provide for the disposal and expenditure of the drainage fund moneys in Jefferson county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be drawn by town treasurer.

SECTION 1. Section two of chapter 225 of the general laws of 1860, is hereby amended by striking out the words "the chairman of the board of supervisors," and inserting in lieu thereof, the words "the town treasurer."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 294.

[*Published April* 12, 1862.]

AN ACT to amend chapter 228 of the general laws of 1860, entitled "an act to authorize the towns, cities and villages of the county of Dodge to retain license moneys in their town, city or village treasuries."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be paid into town treasuries—how appropriated.

SECTION 1. All moneys derived from licenses granted in the county of Dodge, in this state, under the provisions of chapter thirty-five of the revised statutes of this state, shall be paid into the treasuries of the several towns of the said county of Dodge, when [where] such licenses are granted, and shall be appropriated and paid out as directed by the proper town board of supervisors, for the support of the poor of said towns.

Amendment.

SECTION 2. Section one of chapter two hundred and twenty-three of the general laws of this state, of the year one thousand eight hundred and sixty, entitled

"an act to authorize the towns, cities and villages of the county of Dodge to retain license moneys in their town, city or village treasuries," is hereby amended by striking out the word "Dodge" wherever it occurs in said section.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 4, 1862.

CHAPTER 295.

[*Published April* 12, 1862.]

AN ACT authorizing the towns, cities and villages of the county of Fond du Lac to retain and dispose of certain license moneys.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

How moneys to be disposed of.

SECTION 1. One-half of all monies hereafter derived from licenses granted under the provisions of chapter thirty-five of the revised statutes, entitled "of excise," shall be kept seperate [separate] and distinct from other monies by the town, city or village treasurer [treasurers] of the several towns, cities or villages granting such licenses, in the county of Fond du Lac, in this state, and shall be disposed of as now required by section sixteen of said chapter; and the other half of all monies hereafter derived from licenses granted as aforesaid, when paid into the town, city or village treasuries of the several towns, cities and villages granting such licenses, in said county, shall be held or disposed of in the same manner as general town, city and village funds are now disposed of by law, any law to the contrary notwithstanding.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 296.

[*Published April* 12, 1862.]

AN ACT directing the disposition of moneys received for license [licenses] granted in the several towns in the county of Washington, in pursuance of chapter 35 of the revised statutes, entitled "of excise."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To be paid into town treasuries—how disbursed.

SECTION 1. All moneys which shall hereafter be received for license [licenses] granted in the several towns in the county of Washington, in pursuance of chapter 35 of the revised statutes, shall be placed in the treasury [treasuries] of the several towns where such license was [licenses were] granted, and such license money shall be disbursed the same as other town funds.

SECTION 2. This act shall take effect and be in force fromand after its passage.

Approved April 5, 1862.

CHAPTER 297.

[*Published April* 12, 1862.]

AN ACT to legalize the official acts of Thomas Joyce, as justice of the peace in the town of Rockland, county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. That all the official acts of Thomas Joyce, as justice of the peace in the town of Rockland, and county of Brown, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid for all purposes, as though the said Thomas Joyce had caused his official bond and oath of office to have been made and filed according to law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 298.

[*Published April* 12, 1862.]

AN ACT to legalize the official acts of Eri D. Wilcox, as justice of the peace in the town of Exeter, and county of Green.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all the official acts of Eri D. Wilcox, as justice of the peace in the town of Exeter, and county of Green, in this state, prior to the passage of this act, or so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid for all purposes, as though the said Eri D. Wilcox had caused his official bond and oath of office to have been made and filed according to law. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 299.

[*Published April* 12, 1862.]

AN ACT to legalize the official acts of Abijah W. Foster, as justice of the peace in the town of Rockland, county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all the official acts of Abijah W. Foster, as justice of the peace in the town of Rockland, and county of Brown, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid for all purposes, as though the said Abijah W. Foster had caused his official bond and oath of office to have been made and filed according to law. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 300.

[*Published April* 12, 1862.]

AN ACT to amend an act entitled "an act to grant certain islands in the Wisconsin river to the Wood county bridge company," approved April 6, 1861.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time extended for surveying lands, &c.

SECTION 1. Section one of chapter 170 of the general laws of (*A. D.*) 1861, approved April 6, 1861, is hereby amended as follows: strike out the words "one year" wherever they occur in said section, and insert the words "two years" in lieu thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 301.

[*Published April* 12, 1862.]

AN ACT for the relief of the Green county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secretary of state authorized to draw order on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Green county agricultural society, pursuant to section five of chapter fifty-three of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect from and after its passage.

Approved April 5, 1862.

CHAPTER 302.

[*Published April* 12, 1862.]

AN ACT to authorize the county board of supervisors of Marathon county to issue county orders for the payment of the salary of the county superintendent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county board of supervisors of the county of Marathon, in this state, is hereby authorized to issue orders upon the county treasurer of said county, to an amount sufficient to pay the salary of the county superintendent of schools of said county, for the year 1862. Said orders shall be drawn and paid in the same manner as provided by law for drawing and paying county orders.

Board authorized to issue orders for salary of superintendent for 1862.

SECTION 2. The board of supervisors of said Marathon county shall, at their next annual meeting, in addition to other taxes required by law to be levied, levy an amount sufficient to pay the orders authorized to be drawn in section one of this act, the same to be levied and collected as other county taxes.

Tax to be levied therefor.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 303.

[*Published April* 12, 1862.]

AN ACT giving the board of supervisors of Grant county authority to pass an ordinance allowing horses, mules or cattle to run at large upon unenclosed lands in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of supervisors of Grant county are hereby authorized to pass an ordinance allowing horses, mules or cattle to run at large upon lands in said county not enclosed by a lawful fence,

Authority to pass ordinance.

with such restrictions as to such board may seem proper; and said board may prescribe penalties for a violation of said ordinance, not at variance with the constitution and laws of this state.

Ordinance to be published.

SECTION 2. Such ordinance and all changes made therein shall be published for three weeks successively in some weekly newspaper published in said county, before said ordinance shall take effect.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 304.

[*Published April* 14, 1862.]

AN ACT to authorize the city of Milwaukee to construct and maintain a bridge at the foot of Buffalo street.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The city of Milwaukee is hereby authorized, in the discretion of the common council, to construct and maintain a bridge across the Milwaukee river, from the foot of Buffalo street, in the third ward, to a convenient point in the fourth ward, where a suitable landing place and street from the river to West Water street, shall be provided for that purpose. Such bridge shall be of the most approved pattern, made to open for the convenient and easy passage of vessels, and not inferior in any respect to the best of the bridges now existing across said river.

Location of bridge.

Time of approval of pattern, &c.

Vacation of part of Menominee street.

SECTION 2. With the consent of the owners of the property on each side thereof, the common council of said city may, by resolution or ordinance, vacate that part of Menominee street, in the fourth ward, from the said river westward to West Water street: *provided, however*, that a suitable street shall first be furnished and opened at least sixty feet in width, from said river to West Water street, at or in which said bridge can conveniently abut or terminate; and authority is here-

by expressly given to said city and the owner or owners of the property bordering on said Menominee street, or any part thereof, to contract for the vacation of such part thereof, from said river to West Water street, and for the opening of such new street as aforesaid.

Bridge must be built by private contributions.

SECTION 3. When the said bridge shall have been built and completed for use, then chapter eleven (11) of the private and local laws of the year 1861, shall stand repealed and annulled; and the construction of said bridge, nor any part thereof, nor the property to be provided for said landing place and the new street aforesaid, nor any other expense incurred in and about the same, shall be chargeable to or be borne by the said city of Milwaukee, or any part of the wards thereof, in any manner whatsoever; but all the means necessary therefor, and the whole thereof, shall be furnished from other sources by private contribution or otherwise, and secured for and to that use, before the work shall be commenced; and said bridge shall be free and under the control of the city government, and subject in all respects to such rules and regulations as to its construction, repairs, maintenance and use, as the common council of said city shall fix.

No vote required.

SECTION 4. No vote of the people of said city or any part thereof, shall be required to be taken as a condition to the construction of said bridge, as authorized by this act; and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. This act shall take effect from and after its passage.

Repeal.

Approved April 5, 1862.

CHAPTER 305.

[*Published April* 14, 1862.]

AN ACT to amend an act entitled "an act to amend an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, A. D. 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Streets which the street commissioners of the fourth ward may order graded, &c.

SECTION 1. The street commissioners of the fourth ward of the city of Milwaukee, shall have power and authority, within their (*respective*) wards, [ward,] to order the grading, paving, planking or graveling of the several streets hereinafter named, to wit: West Water street, from Cedar street to the Menomonee river; Clybourn street, from West Water street to the Milwaukee river; Spring street, from the Milwaukee river to the west side of Fourth street; Wells street, from the Milwaukee river to West Water street—the paving on Clybourn, Wells and Spring street, from West Water street to the Milwaukee river, to be the same as on West Water street—Fowler street, from West Water street to Seventh street; and also to order the grading, planking, graveling or paving and curbing of the sidewalks, or making or paving the gutters along the said several streets, or parts of streets, whenever in their discretion they shall deem it necessary so to do; and no petition therefor, as provided by section five of an act of the legislature, approved March 17, A. D. 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20, A. D. 1852, and to provide for a change in the election of street commissioners, the improvement and repairs of streets, and the assessment of real and personal property in the city of Milwaukee," shall be requisite or necessary, in order to make the expense of the same legally chargeable on the lot or lots in front of which any of said work may be done; and said section five of said last mentioned act is hereby repealed, so far as the said several streets and parts of streets hereinbefore mentioned, are concerned.

No petition necessary.

Repeal.

How style of work determined.

SECTION 2. Whenever said street commissioners shall deem it necessary to order any of the several

streets or parts of streets mentioned in section one of this act, to be paved, they shall order such kind of pavement to be laid therein as shall be fixed [upon] by the persons owning a majority in number of the lots fronting on that portion of the street so ordered to be paved, and residing in the city; and every such owner may petition said street commissioners in writing, stating the kind of pavement he may desire to have laid, and stating, also, the lot or lots owned by him. Such petition shall be filed by said street commissioners in the office of the city comptroller, and shall be kept by him with the other records and papers kept and filed in his office.

SECTION 3. This act shall take effect from its passage and publication.

Approved April 5, 1862.

CHAPTER 306.

[*Published April* 14, 1862.]

AN ACT to authorize the common council of the city of Milwaukee to levy an additional amount of tax for the year 1862, to pay off certain indebtedness therein mentioned.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered to levy upon the real and personal taxable property of the said city, for the year one thousand eight hundred and sixty-two, a tax, in addition to the amount of tax which said common council is now authorized by law to levy, sufficient in amount to pay off and discharge the amount which may remain due or unpaid, for principal and interest, upon the following indebtedness to said city, viz.: The amount which may remain unpaid upon a note or bond and mortgage, executed by said city to John S. Rockwell, on lot eleven, in block eleven, in the seventh ward, being fifteen hundred dollars of principal, besides interest; the amount remaining unpaid upon a mortgage executed by said city to Charles H.

Indebtedness to John S. Rockwell, Charles H. Larkin and M. Neubauer.

Larkin, on lots one, two and three, in block number thirty, in the fifth ward of said city, being three hundred dollars of principal, and the interest thereon; also, the amount remaining unpaid on two notes executed by said city to M. Neubauer, for seven hundred dollars each, on or about the eleventh day of February, 1860, in part payment of the purchase money for lots one and four, in block twelve, in Kneeland's addition, in the ninth ward, being fourteen hundred dollars and the interest thereon; which additional tax shall be levied, assessed and collected at the same time and in the same manner as, and shall be included in and shall form a part of, the tax which shall be levied, assessed and collected for general city purposes, for the said year one thousand eight hundred and sixty-two.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 307.

[*Published April* 14, 1862.]

AN ACT to authorize the common council of the city of Milwaukee to levy a tax on [the] taxable property in the second and sixth wards of the city of Milwaukee, to pay principal and interest of bonds issued to David Knab, January 1, 1859.

The peple of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax for paymen of bonds issued to David Knab.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and directed to levy a tax on all the taxable property in the second and sixth wards of the city of Milwaukee, in addition to the general ward tax for each year in those wards, sufficient to pay the principal and interest, at seven per cent. from the first day of January, 1862, of twelve certain ward bonds issued to Daniel Knab, January 1, 1859, for grading and filling the public park situated in the said second ward, and belonging to the second and sixth wards of said city.

Limit to tax.

SECTION 2. One-half of the tax provided to be levied in section one of this act, shall be levied on the taxable

property of the second ward, and one-half shall be levied on the taxable property of the sixth ward of said city of Milwaukee, and shall not exceed the sum of three thousand dollars, and interest on the same at seven per cent. per annum, from January 1, 1862, in each of said second and sixth wards.

How to be levied

SECTION 3. The tax provided for in sections one and two of this act, shall be levied as follows: A tax on all the taxable property in said second ward of the city of Milwaukee, shall be levied in the year 1862, sufficient to pay five hundred dollars of the amount due for principal and interest on the said sum of three thousand dollars of bonds of the second ward of said city of Milwaukee, so issued to David Knab; and thereafter from year to year, a tax shall be levied on all the taxable property in said second ward, sufficient to pay five hundred dollars of the amount which may remain unpaid for principal and interest of said sum of three thousand dollars, until the whole of said sum of three thousand dollars and interest, shall be fully paid; and a like tax shall be levied in the same manner and form as is above prescribed, for the second ward, on all the taxable property in the sixth ward of said city of Milwaukee, for the year 1862, and thereafter, from year to year, to pay the three thousand dollars and interest of said bonds, issued to said David Knab by said sixth ward.

When to be collected.

SECTION 4. The tax provided for by this act, shall be levied, assessed and collected at the same time and in the same manner and form as the state, county and city taxes are levied, assessed and collected in the city of Milwaukee, and shall be paid over by the city treasurer of Milwaukee, when collected, to said David Knab, annually, pursuant to this act.

Repeal.

SECTION 5. So much of any act heretofore passed as conflicts with this act, is hereby repealed.

Approved April 5, 1862.

CHAPTER 308.

[*Published April* 14, 1862.]

AN ACT to amend an act entitled "an act to consolidate and amend the acts [act] to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20th, 1852, and to enable the electors of the city of Milwaukee to revise, codify and amend thier [their] charter.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to purchase steam fire engines, &c.

SECTION 1. The city of Milwaukee is hereby empowered and authorized to purchase, for the use of said city, steam fire engines, and all necessary hose and apparatus for running and conducting the same, in said city, and to employ engineers and all other necessary help to run and conduct said steam fire engines, at stated salaries or monthly wages.

Engineers to run said engines.

SECTION 2. The chief engineer of the fire department of said city of Milwaukee, shall nominate and appoint, subject to the written approval of the mayor of said city, the engineers and all other persons necessary to run and conduct said steam fire engines; but it is expressly provided, that in no case shall there be so employed to exceed nine persons for each steam fire engine and hose cart; and the salaries or monthly wages of all said persons so employed by the chief engineer, and approved by the mayor of said city, shall be fixed by the common council of said city; and the common council may also provide, by ordinance, for the performance of police or other duties by the members of such force.

Salaries.

Reduction of fire companies.

SECTION 3. The common council of said city are hereby empowered and authorized to reduce and limit the number of volunteer fire companies, with hand engines, hose carts and hook and ladder carts, to such number and in such manner as to them shall appear for the best interest of said city; and when the number of volunteer companies, with hand engines, hose carts and hook and ladder carts, shall be reduced to the number of six or less in said city, then, and forever thereafter, the chief engineer of the fire department of said city shall be elected by the people annually, at the same time and in like manner as the mayor and

Election of chief engineer by the people.

other city officers are elected: (*provided*, that nothing herein contained shall be so construed as to interfere with the rights of the chief engineer elected for the present term;) and his salary shall be fixed by the common council of said city.

Compensation for past services.

SECTION 4. The common council may also provide reasonable compensation for those persons who have, since the 1st day of January, A. D. 1862, given thier [their] whole time to the steam fire engine now used in said city, for such services, and have not been compensated either by the city or private subscription.

Insurance companies to pay per centage to treasurer.

SECTION 5. All sums which, by the existing laws, are required to be paid by the various insurance companies and thier [their] agents, in Milwaukee, for the benefit of the fire department, shall hereafter be paid into the city treasury, subject to the order of the common council, for the purpose of purchasing steam fire engines and defraying the expenses of equipping and managing the same.

Repeal.

SECTION 6. Any act contravining [contravening] the provisions of this act, is hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 309.

[*Published April* 14, 1862.]

AN ACT to farther provide for the government of the police of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lieutenant of police and assistants—their salaries.

SECTION 1. The mayor of the city of Milwaukee shall, in addition to nominating [the] chief of police, also nominate (to be confirmed by the common council) one person as first lieutenant of police, whose salary (to be fixed by the common council) shall not exceed eight hundred dollars; one second lieutenant, whose salary (to be fixed as above) shall not exceed seven hundred

dollars, and two assistants, whose salary (to be fixed as above) shall not exceed six hundred dollars each. The lieutenants and assistants shall be, however, removable by the chief of the police, with the consent of the mayor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 310.

[*Published April* 14, 1862.]

AN ACT to amend chapter 172 of the private and local laws of 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20, 1852, and to provide for a change in the election of street commissioners, the improvement and repair of streets, and the assessment of real and personal property in the city of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition for street improvements.

SECTION 1. Section five of chapter one hundred and seventy-two of the private and local laws of 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20, 1852, and to provide for a change in the election of street commissioners, the improvement and repair of streets, and the assessment of real and personal property in the city of Milwaukee," is hereby amended by striking out the words "persons owning a majority of the," where they occur in the fifth and sixth lines of said section, and inserting in lieu thereof the words "a majority of the persons residing in such ward, who are owners of."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 311.

[*Published April* 14, 1862.]

AN ACT to fix the salary of the clerk of the circuit and county courts for the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The salary of the clerk of the circuit and county courts for the county of Milwaukee, is hereby fixed at the sum of three thousand dollars per annum, and the same shall be paid to him by the county of Milwaukee, out of the county treasury of said county. Said clerk is also hereby allowed, for clerk hire in his office, the sum of two thousand dollars per annum, which shall also be paid to him by said county of Milwaukee, out of the county treasury of said county. Said salary and compensation for clerk hire shall be paid to said clerk quarterly, at the end of each three months; and the same shall be in full for all services which said clerk is required by law to perform in any action or proceeding instituted in said circuit and county courts: *provided*, that in addition to said salary and allowance for clerk hire, said clerk shall be entitled to receive the same per diem allowance now given him by law, and he shall also be entitled to receive the same fees that are now provided by law for copies of records or papers, commissions, transcripts and exemplifications of judgments and record, [records.]

Salary $3,000 per year, and $2,000 for clerk hire.

Per diem.

SECTION 2. There shall be paid to said clerk, at the time of the commencement of each action or proceeding instituted in said circuit or county courts, the sum of two dollars, in addition to the state tax and county tax now required to be paid, to be denominated a tax for clerk's salary. No further sum shall be required to be paid as such tax for clerk's salary, if such action or proceeding be dismissed or otherwise discontinued, without the entry of final judgment therein. In case final judgment is entered in any such suit or proceeding, the following sums shall be paid to such clerk before the entry of such judgment, in addition to said sum of two dollars, in the following cases, to wit: 1. If the action be for the recovery of a money demand on contract, and judgment therein be entered on fail-

Tax for clerk's salary.

Fees in case of final judgment.

ure to answer the complaint, or on confession, the sum of one dollar. 2. If such judgment be entered upon a verdict of a jury, or a decision in writing by the court, after a trial by jury, or by the court respectively, the sum of four dollars, except in actions for the foreclosure of mortgages and for the partition of real estate. 3. If such action be for the foreclosure of a mortgage, or for the partition of real property, the sum of six dollars. 4. In all other cases not hereinbefore specified, the sum of four dollars.

Fees to be accounted for by clerk.

SECTION 3. The sums required to be paid by the foregoing section, shall be collected by said clerk, and shall be accounted for by him under oath to the treasurer of said county of Milwaukee, quarterly; and in case of his failure so to do, said clerk, together with his sureties, shall be personally responsible to said county of Milwaukee on his official bond, for all sums which he shall so neglect to collect and account for.

Repeal.

SECTION 4. All acts and parts of acts regulating the fees of the clerk of said circuit and county courts, inconsistent with this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 312.

[*Published April* 14, 1862.]

AN ACT to authorize the county board of supervisors of Milwaukee county to levy a tax to cover the necessary expences [expenses] of printing for the use of the schools of said county, and apportion the same among the several towns of said county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Expense of printing for schools.

SECTION 1. The board of supervisors of Milwaukee county, having omitted, at the time of the levy of the county school tax for the year (*of*) 1862, to raise a sufficient amount by tax to cover all necessary expences [expenses] of printing for the use of the schools in

such county for said year, are hereby authorized and empowered to levy an additional tax for the purpose above set forth, at the time specified by law for the levying of county school tax for the year (*A. D.*) 1863, and apportion the same among the towns, city and villages of said county: *provided*, that no part of said amount shall be apportioned to or levied upon any incorporated city whose boards [board] of education shall have elected, as provided in section 11 [of] chapter 179 [of the] general laws of 1861.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 313.

[*Published April* 14, 1862.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Watertown, and the several acts amendatory thereof," approved March the 29th, 1856, and section five of chapter 124 of the private and local laws of 1853, [entitled] "an act supplemental to an act entitled 'an act to incorporate the city of Watertown.'"

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and thirty-four of the private and local laws of 1858, is hereby amended so as to read as follows: "The first ward of the city of Watertown is hereby divided by a line commencing in the center of Rock river, at a point where the south line of the Milwaukee and Western railroad crosses said river, thence running easterly along the south line of said railroad to the city limits." Division of first ward.

SECTION 2. Section two of said chapter is hereby amended so as to read as follows: "All that portion of said first ward hereby divided, lying north of the south line of said railroad, including said road, shall hereafter be the first ward, and all that part south of the south line of said railroad, shall hereafter be the seventh ward." First and seventh wards.

Aldermen to be street commissioners.

SECTION 3. Section one of chapter 6 of chapter 327 of the private and local laws of 1856, is hereby amended so as to read as follows: "The aldermen of the several wards shall be street commissioners in and for their respective wards, who shall keep a record of all their acts and doings, and shall keep and preserve all contracts, receipts and papers of the board. The several boards of street commissioners shall make report, in detail, to the common council, of their acts and doings whenever required, and at the expiration of each year, and before their terms of office shall expire, shall submit all their acts and doings, books, records, papers, accounts and vouchers, to the common council, for final settlement and adjustment."

Annual report, &c.

Legislative journals to be delivered to order of clerk.

SECTION 4. Section five of chapter 124 of the private and local laws of 1853, [entitled] "an act supplemental to an act entitled 'an act to incorporate the city of Watertown,'" is hereby amended so as to read as follows: "The secretary of state shall deliver to the order of the clerk of said city, one copy of the journals of each session of the legislature."

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 314.

[*Published April* 14, 1862.]

AN ACT to amend chapter 72 of the private and local laws of the year 1858, entitled "an act to incorporate the city of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Protection against fire.

SECTION 1. The common council of the city of Ripon shall have power to pass ordinances and make rules and regulations for the purpose of guarding against calamities by fire.

Dangerous chimneys, fire places, &c.

SECTION 2. The common council shall have power to prevent the dangerous construction of and condition of chimneys, fire places, hearth stones, stove pipes, ovens, boilers and apparatus used in and about any

building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire buckets, ladders, and in such time and manner as they shall prescribe, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire works and and fire arms; to compel the owners of buildings to have scuttles in their roofs, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all bystanders to aid in extinguishing fires and in the preservation of property exposed to danger thereat, and, generally, to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire buckets, &c.

Fireworks and firearms.

Idle persons, &c.

SECTION 3. The common council shall appoint annually one or more fire wardens in each ward, and prescribe their duties; and the members of the common council and fire wardens may enter into and examine any buildings, chimneys, stoves, pipes, boilers, and any other fire apparatus, and prescribe all needful rules and regulations for the construction and condition of the same. The common council shall have power to construct cisterns and reservoirs to retain water for the extinguishment of fires, and to compel owners of property exposed to fires, to construct the same, and make all regulations and rules which they may deem necessary to regulate the management of the same.

Fire wardens.

Reservoirs.

SECTION 4. The common council shall assess all highway taxes not otherwise provided for, and prescribe all needful rules and regulations for the collection and expenditure of the same.

Highway taxes.

SECTION 5. The city clerk shall make out tax lists of all highway taxes not otherwise provided for, and attach thereto warrants for the collection of the taxes contained therein, and the same shall be signed by the mayor and clerk of said city.

Ibid.

SECTION 6. The street commissioners of said city shall assess and summarily collect from the persons or property of said city, all poll taxes authorized by law or the provisions of this act, or of the act to which this is amendatory, and duly enforce all rules and regula-

Poll tax.

tions prescribed by the common council of the city of Ripon, relative to the collection and expenditure of highway or street taxes.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 315.

[*Published April* 14, 1862.]

AN ACT to legalize the survey of the village of Marquette.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Survey legalized.

SECTION 1. The survey and plat of the village of Marquette, in the county of Green Lake, as it now exists, and the streets and blocks and lots and public squares as heretofore laid out, staked off, occupied, sold and deeded, are hereby declared to be legal and in accordance with the recorded plat of said village.

U. S. survey.

SECTION 2. The United States survey, so far as it conflicts with the survey of said village plat, is hereby made to conform thereto, and any variations from said United States survey are hereby declared to be in full force and effect, notwithstanding the same conflicts with said United States survey.

SECTION 3. This act shall be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 316.

[*Published April* 14, 1862.]

AN ACT to amend chapter 123 of the private and local [general] laws of 1862, entitled "an act to provide for keeping in repair the streets, alleys and bridges of the city of Oshkosh."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When wards to be divided into road districts.

SECTION 1. Chapter 123 of the private and local [general] laws of 1862, is hereby amended by striking out the word "March," wherever it occurs in said chapter, and inserting the word "April" in place thereof.

SECTION 2. This act shall take effect from and after its passage.

Approved April 5, 1862.

CHAPTER 317.

[*Published April* 14, 1862.]

AN ACT to amend an act entitled "an act to amend chapter 344 of the private and local laws of (*A. D.*) 1856, entitled 'an act to incorporate the village of Delavan.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Road district.

SECTION 1. Section twenty-six of chapter one hundred and forty-four, [161,] entitled "an act to amend chapter three hundred and forty-four of the private and local laws of one thousand eight hundred and fifty-six, entitled "an act to incorporate the village of Delavan," [approved April 19th, 1858,] is hereby amended so as to read as follows: "The territory embraced in the said corporation, shall constitute a separate road district in the town of Delavan, under the name of district number one; and the president and trustees of such corporation shall have power, and it is hereby made their duty, to assess the highway taxes within the limits of the said corporation, in the same manner as now provided by law for town supervisors to assess such

Powers of village board, duty of street commissioners, &c.

taxes; and the street commissioner of such corporation shall be the overseer of such road district; and it shall be his duty to expend the money and labor collected by him on the road warrant of the president and trustees, and make due returns to them in writing, in all respects the same as the overseers of highways are required by law to make returns to the town supervisors. And such street commissioner shall, on or before the fifteenth day of November, in each year, make due returns in writing, under oath, to the town clerk of the town of Delavan, of all the delinquent road taxes in such district number one; and such delinquent taxes shall be collected in the same manner as other delinquent road taxes in the said town, and the money, when collected, shall be subject to the order of the president and trustees of such corporation."

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1862.

CHAPTER 318.

[*Published April* 15, 1862.]

AN ACT to repeal section 37 of chapter 98 of the private and local [general] laws of 1861, entitled "an act to amend and consolidate an act entitled 'an act to incorporate the city of Racine, in the county of Racine,' approved August 8th, 1848, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Section thirty-seven of chapter ninety-eight of the private and local [general] laws of 1861, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 319.

[*Published April* 15, 1862.]

AN ACT to limit the powers of the common council of the city of Hudson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Auditing and allowance of claims.

SECTION 1. The common council of the city of Hudson shall have power to audit and allow claims on account of repairs of streets, to an amount not exceeding two hundred dollars in any one year; on account of support, care and disposition of paupers; for compensation of city clerk, city attorney, city printer, assessors, city equalizing board, inspectors and clerks of elections; on account of all legal expenses of elections, the legal fees of street commissioners, all expenses of maintaining the fire department on its present footing, all expenses of common council meetings, of furnishing necessary books, stationery and blanks for use of city officers; expenses of legal counsel for the city, and of prosecuting or defending, on behalf of the city, suits brought by or against it; of revising, compiling and printing the ordinances and by-laws of the city and the resolutions and rules of the common council; for compensation of ordinary and special policemen; on account of expenses of abating or removing nuisances, and of measures for promoting health, under powers confered [conferred] by [the] city charter, and on account of any legal liability which may devolve on the city by reason of any negligence, default or misconduct of the said city, or any of its officers or agents, or pursuant to any judgment of any court of this state; and so long as there is not enough money in the city treasury applicable to and sufficient for the payment of all outstanding orders, no debt shall be contracted or claim audited against the said city, (unless founded on a liability heretofore incurred,) except for the objects and purposes above mentioned.

Repeal.

SEC. 2. Chapter 39 of the private and local laws of 1861, entitled "an act to regulate and limit the issuing of orders by the common council of the city of Hudson," is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 320.

[*Published April* 15, 1862.]

AN ACT to repeal chapter 264 of the private and local laws of 1857, entitled "an act to incorporate the village of Waupaca," [Waupacca.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter two hundred and sixty-four of the private and local laws of 1857, entitled "an act to incorporate the village of Waupaca," [Waupacca,] is hereby repealed.

Real estate of Waupacca cemetery.

SECTION 2. The trustees of said village shall have full power and authority to convey "the real estate formerly held by the Waupaca [Waupacca] cemetery association," and deeded to them in trust by said association, to any cemetery association that may hereafter be organized in said village, or otherwise disposed of according to law.

Unfinished business.

SECTION 3. The officers of said village elected by virtue of said chapter, shall have full power and authority to complete and finish any unfinished business commenced by them as such officers, and now pending before them, notwithstanding the expiration of their term of office.

SECTION 4. This act shall take effect and be in force from and after the first day of May, A. D. 1862.

Approved April 7, 1862.

CHAPTER 321.

[*Published April* 15, 1862.]

AN ACT to repeal chapter 437 of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter four hundred and thirty-seven of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega," is hereby repealed.

Unfinished business.

SECTION 2. The officers of said village, elected by virtue of said chapter, shall have full power and authority to complete and finish any unfinished business commenced by them as such officers, and now pending before them, notwithstanding the expiration of their term of office.

SECTION 3. This act shall take effect and be in force from and after the first day of June, A. D. 1862.

Approved April 5, 1862.

CHAPTER 322.

[*Published April* 15, 1862.]

AN ACT to authorize the city of Madison to compromise its bonded indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Common council authorized to compromise, and to issue new bonds bearing 5 per cent. interest.

SECTION 1. The common council of the city of Madison are hereby authorized to negotiate and effect a settlement and compromise of the bonded indebtedness of said city; and for that purpose, are hereby fully empowered to issue new bonds of said city, payable in twenty years from April 1st, 1862, bearing interest at five per cent. per annum, payable annually, on the first day of April, both interest and principal payable in New York city. Said bonds shall have coupons annexed in the usual form, for the annual payments of

interest, which, together with said bonds, shall be appropriately numbered, and shall be signed by the mayor and countersigned by the city clerk. The bonds shall be for such sums, not exceeding one thousand dollars each, as shall be found most convenient and practicable in carrying out the provisions of this act.

Terms upon which indebtedness may be compromised.

SECTION 2. Upon the surrender to the common council of any bond heretofore issued by said city for municipal or cemetery purposes, or of any part due interest coupons, taken from any of said bonds, or upon the satisfaction and discharge of any judgment against the city, rendered upon such coupons, the owner of such bond, coupons or judgment shall receive from the common council fifty per cent. of the amount of such bond, coupons or judgment, in new bonds of the description authorized by the first section of this act, in full for the indebtedness so surrendered; and in like manner the owner of any bond of said city, issued to the "Madison and Watertown railroad company," or of any coupons taken from such bonds, or of any judgment rendered on such coupons, may obtain new bonds as aforesaid, to the amount of thirty per cent. of the said old bond, coupons or judgment. In effecting the compromise hereby authorized, interest on said old bonds and judgments may be allowed to April 1st, 1862, but not thereafter; and any of said new bonds, delivered between September 1st and April 1st of any year, shall have the coupons then next maturing, cut off and destroyed before delivery. No bonds shall be issued under this act, in exchange for said old bonds, coupons or judgments, at higher rates than hereinbefore provided, nor for any less sum than one hundred dollars; but to facilitate exchanges, the common council may issue time certificates for small or fractional amounts, not exceeding one hundred dollars, bearing five per cent. interest from such date, and payable at such time, not more than five years from their date, as the common chuncil shall determine, and convertible into bonds when presented in proper amounts by one individual; or the common council may pay such small or fractional sums in money, whenever there are funds in the city treasury applicable to that purpose.

Time certificates.

Agent to negotiate settlement.

SECTION 3. The common council of said city are hereby authorized, if in their judgment it shall be necessary, to employ an agent to negotiate a settlement

and compromise of the old indebtedness hereinbefore mentioned, and to pay such agent such sum for services and expenses incurred in and about said business, as shall in their judgment be just and reasonable; and such agent shall have such powers as the council, subject to the approval of the mayor, shall determine.

Cancellation of old bonds, &c.

SECTION 4. Upon the compromise and surrender of any of said old bonds or coupons, or the satisfaction of any of such judgments, the city clerk shall cause a description thereof to be entered in a record to be kept by him for that purpose; and such bonds and coupons shall then be canceled in presence of the council, and deposited in the city clerk's office.

Special tax for payment of interest on new bonds.

SECTION 5. At the time fixed by law for levying the annual city tax, the common council are hereby authorized and required to levy a special tax, annually, one-fourth greater than the amount of interest which will become due on the first day of April next thereafter, upon such bonds and certificates issued under this act as shall have been actually delivered, and which remain unpaid; which tax shall be payable in money and shall be levied and collected as other city taxes are levied and collected, and shall be kept separate from all other funds. The amount collected from such tax shall be applied by the city treasurer to the payment of the annual interest on said bonds and certificates, at the place where they are payable; and whenever at any time there shall be a sufficient amount of money in the treasury, arising from such tax, after paying the interest for which it was levied, said surplus amount shall be applied, under the direction of the common council, exclusively to the purchase and concellation of such number of said certificates or bonds as such surplus will purchase. The common council may also, if it shall in their judgment be necessary, levy a further tax to pay the time certificates issued by virtue of this act.

Sinking fund for payment of interest.

SECTION 6. In the year 1870, and annually thereafter, the common council of said city shall, in addition to the tax levied for the payment of interest on said bonds, levy and collect, by tax, a sufficient sum to pay off the entire principal and discharge in full said bonds, by the time they shall become due, which tax shall be denominated the sinking fund tax. From time to time, when an amount shall accrue in the treasury belonging to the sinking fund, sufficient to purchase one or more

of the bonds issued under this act, it shall be applied to the purchase of said bonds, until they are all redeemed; and no money arising from the sinking fund tax shall be applied or appropriated for any other purpose whatever.

Contingent expenses.

SECTION 7. The common council shall have power and are hereby authorized, to appropriate from any money in the city treasury not raised for educational purposes, such sums as may be necessary to defray the contingent expenses and payments provided for by this act.

Repeal.

SECTION 8. All acts and parts of acts relating to the city of Madison, so far as they conflict with the provisions of this act, are hereby repealed; and this act shall have effect as soon as passed and published.

Approved April 7, 1862.

CHAPTER 323.

[*Published April* 15, 1862.]

AN ACT to amend section seventeen of chapter 203 of the private and local laws of the year 1857, entitled "an act to amend the city charter of the city of Fond du Lac," approved March 3, 1857.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Improvement of harbors, rivers, &c.

SECTION 1. After the word "to" in the eighth line of section seventeen of chapter 203 of the private and local laws of the year 1857, entitled "an act to amend the city charter of the city of Fond du Lac," approved March 3d, 1857, insert the word "straighten;" also, after the word "to" in the twelfth line of said section, insert the word "straighten."

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 324.

[*Published April* 15, 1862.]

AN ACT to enable the city of Fond du Lac to settle with its bondholders.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compromise of bonds in aid of Ch., St. P. and F. du L. R. R.—issue of new bonds.

SECTION 1. For the purpose of compromising and taking up the bonds of the city of Fond du Lac, issued to the Chicago, St. Paul and Fond du Lac railroad company, by authority of an act entitled "an act to authorize the city of Fond du Lac to loan its credit to aid in the construction of railroads," approved March 16th, 1854, the city council of the city of Fond du Lac shall have power to issue the bonds of said city at a rate and in the manner as hereinafter provided.

Denomination of bonds, date, interest, &c.

SECTION 2. The bonds herein provided for, shall be issued in amounts of not less than five hundred dollars, and not exceeding one thousand dollars each, except in fractional amounts due to individual bondholders, on the terms hereinafter specified, for sums less than five hundred dollars, in which case they may be issued for the actual sum due. All of said bonds shall bear date January 1st, 1862, and be issued on time, not exceeding twenty-five years, and with coupons or interest warrants attached, drawing an annual interest of six per cent., to be paid semi-annually at any solvent bank or banking house in the city of New York, notice of the time and place being given for ten days in some New York city paper.

Sinking fund for redemption of bonds.

SECTION 3. For the better security and more prompt payment of said bonds, the city council aforesaid are hereby authorized and required, annually, to assess and levy upon the taxable property of said city, a sinking fund sufficient to redeem the whole of said bonds, within twenty years, commencing five years after date. The sinking fund shall be expended in the purchase of the bonds herein authorized, at a price not exceeding their New York market value, and not above par, or otherwise to be invested in United States or state stocks, at not exceeding their New York market value, to be disposed of exclusively for the redemption of such bonds, whenever they can be purchased as aforesaid.

Terms of proposed compromise with holders of old bonds.

SECTION 4. The city council of said city, the city officers and its agents, are hereby expressly prohibited from issuing and delivering any of the bonds herein provided for, except in exchange for the bonds and coupons first recited in this act, and then only upon a compromise, at a rate not exceeding twenty-five per cent. on the principal and interest due upon said bonds so issued by said city to said railroad company; and no bonds shall be issued under the provisions of this act, at any rate whatever, without all the bonds so issued to said railroad company, under the aforesaid act, can be compromised at or under the aforesaid rate, and a surrender of all of said bonds obtained; and any delivery of said bonds, contrary to the provisions of this section, by any city officer or agent of the city council, shall be deemed an embezzlement, and subject the offender, upon conviction thereof, to fine and imprisonment, at the discretion of the court.

Tax for payment of coupons and sinking fund.

SECTION 5. For the payment of the bonds herein authorized, the city council of said city are authorized and required, annually, to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the coupons and sinking fund, and such portion of the bonds as may become due during the ensuing year, the levying whereof shall be ordered by a vote of the city council, taken by ayes and noes, and recorded upon the journal; and if said levying of such tax shall be neglected or defeated, except for cause over which the city council may not have control, any number [member] thereof so neglecting, or acting knowingly contrary to the requirements of this section, shall be personally liable to a fine of five hundred dollars.

Individual liability of members of council.

Judge of circuit court may order levy of tax.

SECTION 6. In case of any such neglect or omission to levy such tax by the city council aforesaid, upon the application of any one or more persons holding such bonds or coupons so to become due or over due, to the judge of the circuit court, and showing such neglect or omission of the city council to the satisfaction of said judge, he is hereby authorized to issue his precept to the city clerk of said city, or to any other person, commanding such clerk or person so designated to levy the necessary tax (specifying the amount to be raised) to pay the coupons, sinking fund and bonds so due or to become due, and [the] assessment so made shall be as legal and binding in all respects, as if ordered

by the city council; and for the purpose of facilitating the assessment of such tax, in the manner prescribed, the person so directed by said judge shall have free access to all the city records, assessment rolls or other papers necessary for such purpose; and the taxes so levied shall be collected by the city treasurer, and returns made in every respect like other city taxes, and when collected, shall be appropriated exclusively for the purpose specified in this act.

Purchase of bonds before maturity.

SECTION 7. The city council, by vote of two-thirds of all its members, shall have power to purchase the bonds of the city before due, at such reduced rates below their value as they may deem for the best interest of the city, and they may levy taxes as aforesaid for the payment of the same, not exceeding ten thousand dollars in any one year for such purpose.

Coupons receivable for taxes.

SECTION 8. Coupons falling due in any one year, shall be receivable for the city taxes of the year in which they may be assessed.

Prohibition.

SECTION 9. The city council of said city are hereby prohibited from issuing the bonds of said city, hereafter, for any other purpose whatever, except in the payment of the bonded debt of said city.

Additional bond from treasurer.

SECTION 10. The city council of the city of Fond du Lac are hereby authorized to require of the city treasurer any additional bonds and sureties which they may deem necessary for the safe keeping and disbursement of the moneys collected by the authority of this act, and for the faithful performance of all the duties imposed by the same.

Penalty.

SECTION 11. If any member of the city council, or any city officer or agent, shall neglect or refuse to comply with the provisions of this act, not made the subject of special penalty, he or they, as the case may be, shall be liable to such fine or imprisonment, or both, on conviction thereof, as the circuit court, in its discretion, may impose; and all fines imposed by the provisions of this act may be collected by action in the circuit court, upon complaint of any person or party interested, and shall be paid into the city treasury, and appropriated exclusively for the payment of the coupons and bonds hereinbefore mentioned.

SECTION 12. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 325.

[*Published April* 15, 1862.]

AN ACT to declare the streets in the village of Union Grove, in the county of Racine, to be public highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Declaration.

SECTION 1. All the streets in the village of Union Grove, in the county of Racine, as designated by the recorded plat thereof, are declared to be public highways.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 326.

[*Published April* 15, 1862.]

AN ACT to declare part of the road of the Racine and Rock river plankroad, a public highway.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Portion of road so declared.

SECTION 1. All that part of the Racine and Rock river plankroad, which lies in the towns of Dover and Rochester, in the county of Racine, from the house of Hugh Finnan, in said town of Dover, to the intersection of said plankroad with the so-called United States road, in the said town of Rochester, being a distance of about two miles, is hereby declared to be a public highway.

Damages, &c.

SECTION 2. The damages sustained by any person, company or corporation, in consequence of the establishing of the said public highway, as provided by section one of this act, shall be determined and paid in the same manner as provided by chapter nineteen of the revised statutes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 327.

[*Published April* 15, 1862.]

AN ACT in relation to highways in Ozaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of the several towns in the county of Ozaukee, are hereby authorized and empowed, whenever application is made to them, to lay out and open any highway in their respective towns, to cause the same to be laid out and opened of the width of three rods, whenever in their judgment the interests of the public will be thereby subserved. Roads three rods wide.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1862.

CHAPTER 328.

[*Published April* 15, 1862.]

AN ACT to authorize the towns of Waupaca, [Waupacca,] Dayton and Caledonia to aid in the construction of the Oshkosh and Wausau railroad.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The boards of supervisors of the towns of Waupaca, [Waupacca,] (*Lind*,) Dayton and Caledonia, in the county of Waupaca, [Waupacca,] and state of Wisconsin, for the purpose of aiding in the construction of the Oshkosh and Wausau railroad, are hereby authorized each to subscribe to the capital stock of said railroad company, for said towns, to the following several amounts, viz.: The board of supervisors of the town of Waupaca, [Waupacca,] to the amount of one thousand dollars; the board of supervisors of the town of Dayton, to the amount of five hundred dollars; the board of supervisors of the town of Caledonia, to the

Authority to boards.

Amounts that may be subscribed.

amount of three hundred dollars, upon the terms and conditions hereinafter mentioned.

Ordinance—vote thereon.

SECTION 2. It shall be the duty of the several boards of supervisors of the said towns, to submit to a vote of the legal voters of said towns, an ordinance setting forth the amount of stock proposed to be taken, and the amount of money to be raised by tax for the purpose of aiding in the construction of said road; and they shall fix the time and [prescribe the] manner in which a vote will be taken for or against said ordinance, by the legal voters of said towns.

Ordinance to be published.

SECTION 3. The said ordinances shall be published at least two weeks previous [previously] to the time fixed for holding the election, by publication in a newspaper printed in said county, and by posting up written or printed copies of said ordinances in three of the most public places in said towns respectively, and the election shall be held and the votes canvassed and certified in the manner provided by law for holding the usual elections of said towns. The vote shall be by ballot, on which shall be written or printed the words "for the ordinance," or "against the ordinance;" and if a majority of the votes cast at such election shall be in favor of such ordinances, then the chairmen of the boards of supervisors, in the name of said boards respectively, shall subscribe for the amount of stock mentioned in said ordinances.

Form of ballots.

Town orders to company.

SECTION 4. When the said chairmen shall subscribe for the said stock as above mentioned, they shall deliver to the treasurer of the Oshkosh and Wausau railroad company, town orders of the said towns respectively to the same amount of the said stock so subscribed for each town, which said town orders shall stand upon the same footing as all other town orders, and shall be paid and shall be receivable for taxes in the same way as now provided by law in case of town orders.

Bonds to towns.

SECTION 5. Before the said town orders shall be delivered to the treasurer of the said company, as above provided, he shall give a good and sufficient bond in double the amount of said town orders, to the said towns respectively, with two good and sufficient sureties, which said bonds shall be approved by the several boards of supervisors to whom they are given, conditioned that the amount so paid to the company as

aforesaid, by the towns of Waupaca [Waupacca] and Dayton, shall be expended in making the roadbed of the said railroad, and fitting it for the iron, between the village of Waupaca [Waupacca] and the east bank of Wolf river at Fremont; and that the amount so paid to the said company by the said town of Caledonia, shall be expended in making the roadbed of the said railroad, and fitting it for the iron, from the east bank of Wolf river at Fremount, east through said town of Caledonia.

Privileges of towns as stockholders.

SECTION 6. When such stock shall be subscribed as aforesaid, said towns shall have the same powers and privileges as other stockholders in said company; and the board of supervisors of each of said towns having stock in said company, shall annually, or as often as there shall be a vacancy, appoint one railroad commissioner, whose duty it shall be to attend each annual and special meeting of the stockholders, and shall be entitled to cast one vote for every share of stock owned by said town in the election of directors, and on all questions.

When ordinance in Waupacca and Dayton to be submitted.

SECTION 7. The ordinance to be submitted as provided for in this act, in the towns of Waupaca [Waupacca] and Dayton, shall not be submitted to a vote in said towns until there are eighteen miles of said railroad, east of the Wolf river from Fremont, graded and in a proper condition for the laying of the iron.

SECTION 8. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 329.

[*Published April* 15, 1862.]

AN ACT to provide for the disposal and expenditure of the drainage fund moneys in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When fund to be paid.

SECTION 1. That portion of the interest of the drainage fund moneys which is due to the county of Brown,

for the year 1862, shall be paid over to the county treasurer of said county at the same time with the money due to said county from the school fund for that year, and shall be paid out by said county treasurer only on the order of commissioners hereinafter mentioned, for said county, and as hereinafter directed.

How expended.

SECTION 2. The moneys mentioned in the preceding section shall be expended on such roads as are now or may be hereafter laid out in said county, as the commissioners hereinafter named shall deem advisable, and all of the money received by said county shall be so expended during the year 1862, for the purposes aforesaid.

Commissioners.

SECTION 3. Chauncey N. Aldrich, Xavier Martin, Christian Koontz, Luther Wilson, Stephen Joyce, M. Dougherty and Michael Dockry, are hereby appointed commissioners for the county of Brown afbresaid, and shall have the superintendence of all work done under the provisons of this act, on said roads.

Their powers, &c.

SECTION 4. The said commissioners shall have entire control and superintendence of the expenditure of the moneys aforesaid, paid to the county aforesaid, and shall draw orders on the county treasurer aforesaid therefor, payable from the drainage fund. They may employ such engineers or surveyors as they may deem necessary, and shall let contracts for the work done on said roads. Such contracts shall be let to the lowest responsible bidders, and said commissioners shall give notice thereof by posting up such notices in three of the most public places in the town where such work is to be done, at least twenty days prior to such lettings.

Record, report, &c.

SECTION 5. The said commissioners shall keep a record of all moneys drawn out by them, and of all work done under their superintendence, and shall make a full report of their doings and expenditures to the county board of supervisors, at the annual session thereof for 1862.

Repeal.

SECTION 6. All acts or parts of acts so far as the same contravene this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved April 5, 1862.

CHAPTER 333.

[*Published June* 9, 1862.]

AN ACT to amend an act entitled "an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The street commissioners of the second and ninth wards of the city of Milwaukee, shall have power and authority, within their respective wards, to order the grading and graveling of the several streets hereinafter named, to wit: Vliet street from Twelfth street to the city limits, and Beaubian street from its intersection with Teutonia street to its intersection with Ninth street, and Ninth street from its intersection with Beaubian street to its intersection with Teutonia street; and also to order the grading, the planking and curbing of sidewalks or making and paving the gutters along said streets, whenever in their discretion they shall deem it necessary so to do; and no petition therefor, as provided by section five of an act of the legislature, approved March 17, 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20, 1852, and to provide for a change in the election of street commissioners, the improvement and repair of streets, and the assessment of real and personal property in the city of Milwaukee," shall be requisite or necessary in order to make the expenses of the same legally chargeable on the lot or lots in front of which any of said work may be done; and said section five of said last mentioned act is hereby repealed, so far as the said several streets and parts of streets hereinbefore mentioned are concerned: *provided*, that said street commissioners shall not be authorized to order or require the grading, planking and curbing of sidewalks or the making and paving of gutters along that part of the south side of Vliet street which lies west of Sixteenth street.

Street commissioners of second and ninth wards may order improvements on certain streets.

No petition therefor necessary.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 7, 1862.

CHAPTER 337.

[*Published June* 11, 1862.]

AN ACT to vacate certain streets in "Clark's addition," in the eighth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain streets vacated.

SECTION 1. That all those two certain streets in Clark's addition to the city of Milwaukee, in the eighth ward of the said city, running east and west, and being the two northerly streets in the said addition, between which the Mequanigo [Mukwonago] road now runs, the first of the said streets being bounded on the north by blocks numbered from 1 to 7 inclusive, and on the south by blocks numbered from 8 to 14 inclusive, and the second of the said streets being bounded on the north by blocks numbered from 8 to 14 inclusive, and on the south by blocks numbered from 15 to 21 inclusive, are hereby vacated.

Ibid.

SECTION 2. That so much of a certain street running north and south in said Clark's addition, in the said eighth ward of the said city, included between the Mequonigo [Mukwonago] road and the Waukesha plank-road, and bounded on the west by blocks [block] numbered 5 and a part of block numbered 10, and on the east by block numbered 4 and a part of block numbered 11, is hereby vacated.

Ibid.

SECTION 3. That all those two certain streets in Clark's addition, in the eighth ward of the said city of Milwaukee, running east and west, and lying south of the Mequanigo [Mukwonago] road, the firs being bounded on the north by blocks numbered from 22 to 24 inclusive, and by blocks numbered from 25 to 27 inclusive, and on the south by blocks numbered from 28 to 30 inclusive, and by blocks numbered from 32 to 34 inclusive, and the second being bounded by blocks numbered from 35 to 41 inclusive on the north, and by blocks numbered from 42 to 48 inclusive on the south, are hereby vacated. This section shall not be construed to vacate that part of the street first mentioned, which lies between the public square and block numbered 31.

SECTION 4. This act shall take effect from and after its passage.

Approved June 10, 1862.

CHAPTER 338.

[*Published June* 16, 1862.]

AN ACT confirming certain lands in Brown county to the Chicago and Northwestern railway company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Chicago and Northwestern railway company, a corporation organized under the laws of the state of Wisconsin, is entitled to, and is hereby invested with, the title to the lands and all [and] singular the rights, privileges and immunities granted or conferred, or intended to be granted or conferred, by the resolution of congress, entitled "a resolution explanatory of and in addition to the act of June 3d, 1856, granting public lands to the state of Wisconsin, to aid in the construction of railroads in said state," approved on the 25th day of April, A. D. 1862, to the extent of the whole of the lands granted by said resolution of congress, for the purpose of aiding in the construction of a railroad from Appleton, in Outagamie county, to the borough of Fort Howard, in Brown county, in said state: *provided, however*, that if no railroad be constructed and in running order between the termini in this section mentioned, within one year from the passage of this act, then the grant shall be void.

Ch. and N. W. R. R. invested with title to certain lands under act of congress of June 3, 1856.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved June 16, 1862.

CHAPTER 340.

[*Published June* 17, 1862.]

AN ACT to legalize the sale of lands for unpaid taxes, and the advertisement thereof, in the city of Portage, of Columbia county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. All sales of lands for unpaid taxes made in and for the city of Portage, county of Columbia, on the fourteenth day of June, A. D. 1859, and the advertising thereof, and all certificates of sale issued thereon by the county treasurer of said county, and the advertisement of the delinquent list in the "Wisconsin State Register," first published September 14, A. D. 1861, are hereby declared legal and valid and sufficient in all respects and to all intents and purposes, and no omission or error in any of the dates in said advertisement shall in any manner invalidate any tax deed that hereafter may be given pursuant to any such certificate of sale.

SECTION 2. This act is hereby declared to be a general law, and shall take effect from and after its passage.

Approved June 16, 1862.

CHAPTER 341.

[*Published June* 17, 1862.]

AN ACT to repeal chapter 321 of the general laws of 1862, entitled "an act to repeal chapter 437 of the private and local laws of 1856, entitled 'an act to incorporate the village of Weyauwega,'" and to revive said chapter 437 of the private and local laws of 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 321 of the general laws of 1862, entitled "an act to repeal chapter 437 of the private and local laws of 1856, entitled 'an act to incorporate the village of Weyauwega,'" is hereby repealed.

SECTION 2. Chapter 437 of the private and local laws of 1856, entitled "an act to incorporate the village of Weyauwega," is hereby revived and declared to be in full force and effect. Revived.

SECTION 3. All officers elected in the year 1862, under and by virtue of said chapter 437, shall hold their offices respectively, unless otherwise disqualified, till the next annual election under said chapter, and until their successors are elected and qualified. Terms of office of present officers.

SECTION 4. All acts or parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 347.

[*Published June* 18, 1862.]

AN ACT to amend an act entitled "an act to make street commissioners' certificates in the city of Milwaukee, a lien upon lots or lands against which they may issue," approved March 29, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of an act entitled "an act the make street commissioners' certificates in the city of Milwaukee, a lien upon lots or lands against which they may issue," approved March 29, 1856, is hereby amended so as to read as follows: "The holders [holder] of any street commissioner's certificates [certificate] which shall become a lien by virtue of this act, at any time after the expiration of three years from the time when such certificate shall have been countersigned by the city comptroller, in case the same shall not have been paid or redeemed, may commence his action in the circuit court of the county of Milwaukee, or in any other court having equity jurisdiction in said county, to enforce the lien given by this act, and to cause such lot or parcel of land subject to such lien, to be sold under a judgment of the court for the satis- Holder of certificate may file bill in circuit court.

Owner of land to be party to proceedings.

faction of such lien. The owner and all persons having any interest in such lot or parcel of land, shall be made parties to such action and served with process, which process and the service thereof as well upon resident as non-resident defendants to such action, shall conform to, and all proceedings in the case shall be conducted according to the law regulating proceedings in courts of equity jurisdiction, and according to the rules and practice of such courts in actions brought to foreclose mortgages upon real estate. The court shall allow the complainant's lien, together with all the taxes which may have (*have*) been paid by him, or by any person for him, or by any former holder of said certificate, in order to protect the lien by virtue of such certificate, with the interest thereon, as hereinafter provided, subsequent [subsequently] to the date of said lien aforesaid; and the street commissioner's certificate, duly countersigned by the city comptroller, shall be *prima facie* evidence of the amount of such lien, as well as [of] the validity and legality thereof, and of the regularity and validity of all the steps that have been taken up to and including the issue of said certificate, and the levying of the amount thereof on the land, and of all the facts stated in such certificate; and the receipts of the proper officers authorized to receive taxes, shall also be like evidence of the amount of taxes paid or redeemed by the plaintiff, or by any person for him, or by any former owner of said certificate. The court, upon ascertaining the amount of such lien as aforesaid, and also the amount of taxes paid by the plaintiff or for his benefit, shall render judgment against the lot or parcel of land for the amount of such lien and taxes, and the interest thereon at the rate of twenty-five per centum per annum, as hereinbefore provided, together with the costs of suit and sale, and also that the lot or parcel of land, or so much or such part thereof as will be sufficient to satisfy the amount of such judgment, be sold to satisfy and discharge the same; which judgment shall be carried into effect, as near as may be, in the same manner as judgments in actions brought to foreclose mortgages on real estate; and the plaintiff, or any of the parties to such actions, may become the purchaser at the sale. Such judgment and sale, when confirmed, shall forever bar and preclude all persons, parties to such action,

Evidence.

Decree of court.

or obtaining under them subsequent [subsequently] to the commencement thereof, from setting up any claims, right or interest in or to the premises sold, and shall cut off all right and equity of redemption therein, and shall vest the title therein absolutely in the purchaser. If the lot or parcel of land shall be sold for more than the amount of such judgment against it, including the costs of such action and such sale, the excess shall be brought into court by the sheriff or officer making the sale, for the benefit of those entitled to it, and subject to the order of court. The officer making the sale shall make, execute, acknowledge and deliver to the purchaser, or his or her assigns, a good and sufficient deed of the lot or parcel of land sold, which deed shall be executed and acknowledged as deeds for the conveyance of real estate are required to be executed and acknowledged by the laws of the state. The sheriff or officer making the sale, after the execution and delivery of the deed aforesaid, shall make a report of his proceedings to the court, and upon the coming in and filing of such report, the court shall make an order confirming such sale and such report thereof, and all the matters and things therein contained.

Excess, if any—how disposed of.

Deed.

Report.

SECTION 2. This [the] said act to which this act is amendatory, shall apply, as hereby amended, to all street commissioners' certificates heretofore issued upon any lot or parcel of land in the city of Milwaukee.

Application.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 348.

[*Published June* 18, 1862.]

AN ACT to repeal chapter 436 of the private and local laws of 1856, entitled "an act to amend the charter of the Milwaukee and Lisbon plankroad company," approved March 31, 1856.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 436 of the private and local

Repeal.

eral lots and parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, he shall levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and the moneys so to be collected, after deducting his fees, he shall pay into the treasury of said city of Beloit; such warrant to be signed by the mayor and clerk of said city, and sealed with the official seal thereof; and the clerk of said city shall, on or before the third Monday in September, 1862, deliver to said treasurer each of said copies of said tax lists, with such warrant thereto annexed."

Treasurer to publish notice.

SECTION 4. Section six of said act is hereby amended so as to read as follows, viz.: "Section 6. Within five days after the receipt of said copies of said tax lists, with such warrants thereto annexed, the said city treasurer shall give public notice in a daily newspaper, (if there be a daily paper published therein, if not, then in a weekly newspaper,) published in said city, that tax lists containing the reassessment of taxes in said city of Beloit for the years 1856, 1857, 1858 and 1859, respectively, have been committed to him for the collection of said taxes, and that the said treasurer will receive payment of the taxes in said lists, at his office in said city, until the third Monday in October, 1862."

When treasurer's fees to be remitted.

SECTION 5. Section eight of said act is hereby so amended as to read as follows, viz.: "Section 8. On all taxes paid to said treasurer on or before the said third Monday in October, 1862, the said treasurer shall remit to the person paying the same, four-fifths of the said five per centum set down in said tax lists as his fees for collecting such taxes so paid."

Application of former payments.

SECTION 6. Section nine of said act is hereby so amended as to read as follows, viz.: "Section 9. If any portion of the taxes upon any property mentioned in said tax lists, or any of them, has been paid, or any payment made to the city treasurer on account thereof, for either of the said years 1856, 1857, 1858 and 1859, the amount so paid, together with interest thereon from the time of such payment to the said third Monday in October, 1862, shall be applied by the said city treasurer as a payment or part payment, as the case may be, of the taxes levied and assessed upon such property, pursuant to this act, for the year upon the account of

which such payment was made; and if it shall appear that any person has paid more than is required by the provisions of this act to pay, said person shall be entitled to receive, and said city treasurer shall be required to pay said person, the amount so overpaid, with interest thereon from the time of such payment to the said third Monday in October, 1862, at the rate of seven per centum per annum; and the said treasurer shall, in like manner, receive any certificate heretofore issued by the treasurer of Rock county, upon the sale of any such property for the non-payment of the said state, county and city taxes for either of the said years 1856, 1857, 1858 and 1859, in payment or part payment, as the case may be, of the taxes assessed and levied upon such property pursuant to this act, for the year on account of the taxes of which said property was sold and such certificate issued, and shall allow to the holder thereof the amount for which such property was sold, as specified in such certificate, and interest thereon from the date of such certificate to said third Monday in October, 1862, at the rate of seven per centum per annum; and in case there shall be any outstanding certificate of sale heretofore issued, of any lot or parcel of land for the non-payment of the state, county and city taxes thereon, for either of said years 1856, 1857, 1858 and 1859, and the taxes on such lot or parcel of land, assessed and levied pursuant to this act, shall be paid to the city treasurer, the holder of any such outstanding certificate shall be entitled to receive from said treasurer the amount specified in such certificate for which such lot or parcel of land was sold, and interest thereon from the date of such certificate to the time such last mentioned taxes were paid."

Overpayments to be refunded.

Certificates of Rock county treasurer receivable.

Payment of outstanding certificates.

SECTION 7. Section eleven of the said act is hereby so amended as to read as follows, viz.: "Section 11. If, on the second Monday in November, 1862, any of the taxes on any lot or parcel of land described in the said tax lists, or either of them, shall remain unpaid or uncollected, the said treasurer shall make out a separate and complete list of all such lots and parcels of land on which the taxes have not been paid or collected, for each of said years 1856, 1857, 1858 and 1859, specifying in such lists each lot and parcel of land, the name of the person to whom assessed, if to any, and the amount

List of lands on which taxes remain unpaid.

of taxes and charges due thereon, with interest on the same, at the rate of twenty-five per centum per annum, from the third Monday in September, 1862, to the time of the sale hereinafter mentioned. Such list shall be made in a book to be provided by said treasurer for that purpose, and after such lists are completed, the said treasurer shall add to each list a certificrte, signed by him, substantially in the following form, viz.:

Treasurer's certificate.

"'I, ——, treasurer of the city of Beloit, do certify, that the foregoing is a correct list of all lots and parcels of land on which the taxes, interest and charges due for the year 185–, remain unpaid and uncollected, and that the sum set opposite each lot and parcel of land thereof, is the amount of taxes, charges and interest due and unpaid thereon for the year aforesaid, to the second Monday in ——, 1862.

"'In testimony whereof, I have hereunto set my official signature this —— day of ——, 1862.

"'——, Treasurer of the city of Beloit.'"

List to be published and lands sold.

SECTION 8. Section twelve of the said act is hereby so amended as to read as follows, viz.: "Section 12. The said treasurer shall, after said lists are completed, and on or before the third Monday in November, 1862, cause to be published in a daily newspaper, (if there be one published in said city, if not, then in a weekly newspaper,) published in said city, once a (*a*) week for three successive weeks, a list for each of said years 1856, 1857, 1858 and 1859, of all lands described in the list in his office on which the taxes, charges and interest, or any part thereof, remain unpaid and uncollected for each of said years respectively, specifying in said lists to be published, the names of the persons to whom each lot or parcel of land is assessed, if any, and the amount of taxes, charges and interest thereon as aforesaid, due on each lot and parcel of land, and the year for which such taxes remain unpaid, together with a notice that so much of each lot and parcel of land described in said list as may be necessary for that purpose, will, on the third Monday in December, 1862, be sold by such treasurer, at public auction, at the office of such treasurer, in the said city of Beloit, for the payment of the taxes, charges and interest specified in such lists due thereon."

Repeal.

SECTION 9. This act shall be published immediately, and shall be in force from and after its passage and

publication; and all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved June 16, 1862.

CHAPTER 350.

[*Published June* 19, 1862.]

AN ACT to amend an act entititled "an act to incorporate the village of Manitowoc," approved March 6th, 1851.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Street improvement—application therefor, &c.

SECTION 1. Whenever the owners of two-thirds of the lots or parts of lots of real estate, belonging to the residents of said village, bounding both sides of any street or part of a street, not less than eighteen rods in length, shall desire to have such street or part of street graded, paved or otherwise improved, they may make and sign an application in writing, to the board of trustees of said village, to that effect, specifying in such application the sum necessary to be raised for that purpose; and if two-thirds of said trustees shall deem such improvement necessary, they shall cause such sum to be levied by a tax on all the lots and parts of lots on such street or part of street, and to be collected from all of the owners of such lots and parts of lots, which said tax shall be assessed proportionately on the valuation of such lots or parts of lots, exclusive of improvements respectively, as the same shall appear on the last assessment roll of said village.

Levy of tax.

Warrant to be delivered to street commissioner.

SECTION 2. Whenever the trustees shall order a tax to be levied, pursuant to the provisions of the preceding section, for any of the purposes therein mentioned, they shall make out and deliver to a street commissioner of the ward or wards in which such tax is to be collected and expended, a list of the names of the owners of the property taxed, with a description of their property and the amount of tax assessed on each said description standing opposite thereto; to which said tax list shall be attached a warrant, signed by the

president, or in his absence by the chairman *pro tempore* of the board of trustees, and countersigned by the clerk of said village, authorizing the street commissioner named in such tax list to collect and expend such tax in the manner provided in the order of the trustees levying the same; and thereupon the said street commissioner shall notify the persons owning the property described in such tax list, by publication in not more than two of the newspapers in said village, for two successive weeks, that such tax has been assessed, and the object thereof, and that during a period of not less than the last ten days, nor exceeding the last thirty days of the forty days next succeeding the date of the first publication of said notice, they may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by such street commissioner, pay their taxes, (except seven per centum thereof, which shall be paid in money,) in labor or materials: *provided*, the labor and materials offered in payment for such taxes, are suitable and such as may be required by such street commissioner.

Notice by publication that tax may be paid in labor or money.

Return of tax list.

SECTION 3. At the expiration of forty days from the time of the first publication of the notice required to be given in the next preceeding section, he [the said street commissioner] shall return the tax list therein mentioned to the clerk of said village, accompanied by a statement, verified by his affidavit subscribed thereon, showing the amount of tax collected in labor and materials, and the amount collected in money, and the items of expenditures; also, the taxes which remain unpaid, and the persons and descriptions of property to which such unpaid taxes stand charged, which said statement shall have attached thereto the necessary affidavit or affidavits, proving that said notice has been published as provided in the next preceding section.

Unpaid taxes to be included in next general assessment roll.

SECTION 4. The trustees, in making out the general assessment roll of said village next thereafter, shall enter such unpaid or delinquent street taxes therein, in a separate column, with ten per centum of the same added thereto, opposite the names of the persons and the descriptions of property against which the taxes so remain unpaid, unless previously to that time such taxes shall have been paid in money to the village treasurer; and such tax shall be collected in the same

How collected and expended.

manner as the general taxes of said village are collected, and when so collected shall, by order of the trustees, be expended on the street or part of street for which they were originally assessed, or appropriated in payment of any existing indebtedness against such street or part of street, for special repairs thereon.

Unpaid taxes may be worked out by commissioner or other person.

SECTION 5. After thereturn of such unpaid ta xes, the trustees may permit a street commissioner of the proper ward or wards, or any other competent and suitable person, under the direction of such street commissioner, who may desire to do so, to work out the whole of such unpaid taxes: *provided*, such work shall all be completed within twenty days after the next meeting of the trustees at which general business shall be transacted, held subsequent to the time of making such return; *and provided, further*, that the commissioner or other person or persons who shall work out such taxes in the manner aforesaid, shall be paid for the same only in orders on the special street fund derived from such unpaid taxes. But all such taxes shall be worked out without expense to the village, and if done by a street commissioner, the amount of his services, at such rate of compensation as shall be allowed by the trustees, shall be included in his account for working out such unpaid taxes; and if such unpaid taxes shall be worked out by any other person or persons, under the direction of a street commissioner, such person or persons shall pay such street commissioner for his services, and the amount so paid shall be included in the account for working out such unpaid taxes as aforesaid: *provided, nevertheless*, that after such return, the trustees may order the improvements required by such tax list, completed to the extent of such unpaid taxes, and pay for the same out of the general fund of said village, and reimburse said fund out of such unpaid taxes, when the same shall be collected as hereinbefore provided; and the street commissioner or other person or persons who shall complete any such improvement, either by permission or by order of the trustees, shall render to the trustees an account or statement, verified by the affidavit of such person or persons subscribed thereon, showing the items of expenditures in completing such improvement, and upon the allowance of such account or statement

How payable, &c.

by the trustees, the same shall be paid in the manner in this section provided.

Sidewalks—application, &c.

SECTION 6. Whenever the owners of two-thirds of the lots or parts of lots bounding one side of any street or part of street, not exceeding in length the limits of the ward in which the same is situated, shall desire to have a sidewalk built or repaired, they shall make and sign an application, specifying the sidewalk or repairs desired; and if two-thirds of the trustees shall deem such sidewalk or repairs necessary, they shall direct the same to be built or repaired, by giving notice to all the owners of lots or parts of lots on the side of the street or part of street where such sidewalk or repairs are desired, by publishing the same in not more than two of the newspapers published in said village, for two successive weeks, that they are required to complete the improvement specified in such application, which shall be set forth in said notice, within forty days from the time of the first publication of said notice, due proof of which said publication shall be procured and filed with the clerk of said village; and if, at the expiration of said forty days, the owner or agent of any such lot or part of lot shall have failed to make or complete the improvement, as directed in said notice, the trustees may cause the same to be done, and add the cost of the same to the regular yearly taxes assessed upon such lot or part of lot, and collect the same in the same manner as the said regular yearly taxes are collected.

Notice to owner of lots to make improvements within forty days, &c.

If not so made, trustees may cause the work to be done, and tax the lots therefor.

Ibid.

SECTION 7. On the expiration of the forty days allowed to complete the building or repairing of any such sidewalk, the trustees may order a street commissioner of the ward in which the same is situated, or any other competent and suitable person, to make such sidewalk or repairs, and on completing the same, such commissioner or other person shall make return, verified by his affidavit subscribed thereon, setting forth the amount and cost of the labor and materials and other necessary charges expended on each delinquent lot or part of lot; and the amount so expended, with ten per centum of the same added thereto, shall be charged to and be a legal lien and tax upon such lot or part of lot, and the trustees, in making out the general assessment roll of said village next thereafter, shall enter the same in a separate column, opposite the names of the persons

and descriptions of the property against which such delinquent sidewalk or repairs were made, and the same shall be collected in the same manner as the general taxes of said village are collected; and when any such sidewalk shall be built or repaired by order of the trustees, as above provided, the costs and expenses thereof, as shown by the return aforesaid, shall be paid out of the general fund of said village, which said fund shall be reimbursed out of the delinquent taxes charged against such lot or part of lot, whenever the same shall be collected.

To be paid from general fund.

SECTION 8. If the trustees shall conclude not to order the building or repairing of such delinquent sidewalk, and pay for the same out of the general fund in the manner provided in the next preceding section, they may permit a street commissioner of the ward in which the same is situated, or any other competent and suitable person, under the direction of such street commissioner, to make and complete such improvements, without any cost or charge to the village, and to receive pay for the costs and expenses thereof out of the special fund which shall be derived from such improvements, in the same manner as is provided for working out unpaid or delinquent street taxes, in section five of this act, which said costs and expenses shall be determined in the same manner provided in the next preceding section, and shall, together with ten per centum of the same added thereto, be a legal lien and tax upon the lot or part of lot against which the same accrued, and be entered in the next general assessment roll of said village, and collected in the same manner as provided in the next preceding section.

Improvements payable from special fund.

SECTION 9. All sidewalks shall be built according to the established grade of the ward in which the same situated, unless a majority of the trustees of said ward shall consent in writing to a variation from such grade; and all streets shall be improved as nearly in accordance with such established grade as the amount required to be raised for that purpose will permit.

Established grade.

SECTION 10. Whenever the owner of any lot or part of lot, in front of which any sidewalk is ordered to be built or repaired, shall build or repair the same within the time specified in the notice for that purpose, it shall be the duty of the street commissioner of the ward in which the same is situated, having charge of such

Examination and acceptance of sidewalks, and fee therefor.

improvement, to examine the same, and if the same shall be done in accordance with the petition therefor, he shall accept it, and such owner shall pay such street commissioner fifty cents for each and every lot, and in the same proportion for parts of a lot, as a fee for such examination and acceptance; and sidewalks built or repaired after the expiration of the time mentioned in said notice, by permission of the trustees, shall be examined and accepted in like manner, and the person or persons making such improvements shall pay such street commissioner like fees therefor, and the same shall be included as a part of the costs and expenses of making such improvements. But when the trustees shall order such delinquent sidewalk to be made or repaired, the street commissioner or other person making the same shall receive such compensation for his services as shall be allowed by the trustees, to be paid out of the general fund of said village, which said compensation shall be included in the account of the expenditures for making or repairing such sidewalk.

Crosswalks.

SECTION 11. It shall be lawful for a majority of the trustees to order the construction of crosswalks at such points as they shall deem necessary, on the side of any street or part of street where a sidewalk is built, the cost and expenses of which shall be determined by a sworn statement of the person or persons making the same, in the same manner as the cost and expenses of building or repairing sidewalks are determined, and paid out of the special fund of the ward in which such crosswalks are situated; and whenever in the opinion of a majority of the trustees, public safety shall require immediate partial repairs to be made on any street, it shall be lawful for them to cause such repairs to be made, and to determine the cost and expenses thereof in the same manner as the cost and expenses of cross walks are determined, and to pay the same out of the special fund of the ward in which such repairs shall be made.

Partial repairs.

When improvements to be made.

SECTION 12. No general improvement of the streets or sidewalks in said village shall be made when the time limited for the completion of the same by the provisions of this act, shall extend beyond the twentieth day of November, in the year in which such improvements are required; but the partial improvements

provided for in the next preceding section, may be made whenever they shall be considered necessary.

Determination of amount and assessment of taxes.

SECTION 13. In order to provide for the payment of such claims as shall be properly chargeable to the several wards of said village, under the provisions of this act, it shall be lawful for the trustees, at the time of fixing the amount of general taxes to be assessed and collected for the current year, to determine such reasonable amount of taxes as they shall deem it necessary to raise in the respective wards, to satisfy such claims, and to assess the amount of taxes so determined to be raised in each ward, upon all the taxable real estate therein, which said taxes shall be placed in a separate column in the general tax list of said village, and collected in the same manner as general taxes are collected, and when collected, the said taxes shall constitute a special fund of the respective wards in which they were assessed. In case of a deficiency in any such special fund, claims properly chargeable thereto may be satisfied temporarily out of the general fund of said village, to be reimbursed out of such special fund when the same shall be replenished, as provided by this act.

Expenses chargeable to general fund.

SECTION 14. The cost and expenses of surveying the streets, lanes and alleys of said village, and of making, building, repairing and cleaning bridges, culverts, public walks, cisterns, springs and reservoirs, shall be chargeable to and payable out of the general fund of said village; and whenever, in the opinion of two-thirds of the trustees, any of the public grounds in said village should be improved by the building of public walks across the same, by the building or repairing of any sidewalk in front of the same or any part thereof, or by the planting of trees upon said grounds or along the sidewalk fronting the same, they may, upon a written petition for that purpose, signed by twelve resident freeholders of said village, cause such improvements to be made and kept in repair or maintained, at the expense of the general fund of said village; and whenever in the opinion of two-thirds of the trustees, any of the streets or parts of streets or blocks in said village shall be vacated, they may, upon a written petition for that purpose, signed by twelve resident freeholders of said village, vacate any of said streets, parts of streets or blocks.

Vacation of streets.

Disallowance of accounts for improvements, &c.

SECTION 15. To the end that no injustice shall be done to said village, nor to any of the owners of property therein, on account of any of the improvements authorized by this act, it shall be lawful for the trustees, by a vote of two-thirds of their number, to disallow, in whole or in part, any return, account or statement of the costs and expenses of making such improvements, whenever they shall be satisfied that the same, or any item therein, is exorbitant or unjust.

Trustees—quorum, &c.

SECTION 16. A majority of the trustees from each ward in said village, shall constitute a quorum for the transaction of business, when the president shall be present to preside, but a less number may meet and adjourn from time to time until a quorum shall be present, but shall do no other business in the absence of the president. One over a majority of all the trustees being present, one of their number may be appointed chairman *pro tempore*, and thereupon the board may transact business.

Repeal.

SECTION 17. Sections 35, 36, 37, 38, 39 and 60, of the act of which this act is amendatory, are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage.

Approved June 16, 1862.

CHAPTER 351.

[*Published June* 20, 1862.]

AN ACT to incorporate the Berlin and Grand Rapids railroad company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. Orestes Garrison, Henry Clinton, Levi P. Powers, George F. Wilter, John N. Brundage and George Neeves, of the county of Wood; John O. Stoner, John Hall, R. F. Stevens, Thomas H. Walker, B. C. Redlon, W. W. Beach, James F. Wiley, Lucius Sanderson, Alvah Nash, Samuel C. Jennings, Jacob S.

Bugh, Gordon H. Gile, H. J. Curtice, George W. Smith, Thomas R. Tustin, T. F. Metcalf, James Malone and Allen L. Trufant, of the county of Waushara; John D. Porter, Ezra Wheeler, George D. Waring, Thomas L. Terry and John C. Truesdell, of the county of Green Lake; George W. Mitchell, T. B. Robbins, H. H. Mead, Wm. W. Taggart and David P. Mapes, of Ripon; John Plankington, Samuel S. Daggett, John Bradford, Levi H. Kellogg and H. L. Page, of Milwaukee, and such other persons as may become associated with them as subscribers to the capital stock of this corporation, in the manner hereinafter prescribed, and their successors and assigns, are hereby created a body corporate, by the name of the Berlin and Grand Rapids railroad company, and by that name shall be and are hereby made capable in law to purchase, hold and enjoy, and retain to them and their successors, lands, tenements and hereditaments, so far as may be necessary for the purposes of said railroad, and the same to sell, grant vend or in any manner to dispose of, to contract and be contracted with, sued and be sued, plead and be impleaded, answer and be answered, defend and be defended, and also to make and use a common seal, and the same to alter, break or renew at their pleasure; and if either the persons named in the first section of this act shall die or refuse or neglect to execute the powers and discharge the duties hereby created and enjoined, it shall be the duty of the remaining persons hereinbefore named, or a majority of them, to perform the duties required by this act.

Name and powers.

SECTION 2. The capital stock of said corporation shall be fifteen hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and five dollars shall be paid on each share at the time of subscribing said stock.

Capital stock.

SECTION 3. The persons named in the first section of this act shall be and are hereby made, constituted, appointed and declared the first directors of said company, any fifteen of whom shall constitute a quorum to transact business, and shall hold their offices until other directors are elected by the stockholders, and shall possess all the powers conferred by this act upon the board of directors elected by the stockholders, as hereinafter provided.

First directors.

SECTION 4. The board of directors, or a majority of

Opening books of subscription.

them, are hereby authorized to open books for receiving subscriptions to the capital stock of said company, at such times and places as they may designate, giving at least thirty days' notice of such times and places, by publishing the same in some newspaper printed in the counties of Green Lake, Waushara and Wood.

First election of directors.

SECTION 5. As soon as said stock, or the sum of one hundred thousand dollars thereof, shall have been subscribed, the above named persons, or a majority of them, shall give like notices of the time and place for the meeting of the stockholders, to choose not less than seven nor more than thirteen directors, which number shall be determined by a vote of the stockholders then present; and the directors thus elected shall hold their offices until the next annual meeting of the stockholders for the election of directors, and until others are elected.

Board of directors.

To be chosen annually.

SECTION 6. All the affairs of said corporation shall be managed by the board of directors, who shall be stockholders, and the board of directors are hereby invested with all the powers of the corporation. They shall be chosen annually by the stockholders by ballot, at the annual meeting of the stockholders, which shall be held at such time and place as the directors shall from time to time prescribe, and the same notice of every such election shall be given as is herein required to be given of the first election of directors. At all meeting [meetings] of the stockholders, the votes of the stockholders may be cast in person or by proxy duly authorized, and every stockholder shall be entitled to one vote for each and every share of stock held by him; and in all elections for directors, those stockholders equal to the number of directors to be elected, having the greatest number of votes, shall be declared duly elected. The election shall be conducted in such manner as shall be prescribed by the by-laws, or by resolution of the company. If, for any cause, an election of directors shall not be had at the time when, by the provisions of this act, it should be held, the same may be had at any other time, on notice being given as aforesaid; and until such election be had, the directors of the preceding year shall continue to act, and the corporation shall not forfeit or lose any of its privileges, franchises or immunities by reason of any irregularity in or want of any such election.

Failure to elect, not a loss of franchises.

SECTION 7. A majority of the board of directors shall constitute a quorum for the transaction of any business. They shall meet at such times and places, and may be convened in such manner, as they shall prescribe. They may fill any vacancy which may occur in their own board. They shall appoint one of their own number president, and one vice-president, who shall serve one year, or until a new election of directors. The president, when present, shall preside at all meetings of the directors and stockholders, and in his absence the vice-president shall discharge the duties of president; and in case of the absence of president and vice-president, the directors may appoint a president *pro tem.*, who shall discharge all the duties of president during the absence of the president and vice-president. The board of directors may appoint a secretary, treasurer, chief engineer, superintendent, attorney, and such other officers and agents as they may find necessary, and shall have power to fix their compensation and define their duties, and demand adequate security for the faithful discharge of their respective duties and trusts. The directors shall have power to determine the amount of each installment to be paid from time to time on stock subscriptions, and to forfeit to the use of the company or to sell the share or shares of any person failing to pay any installment which may be required of them by the directors; but they shall not declare it so forfeited until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the postoffice nearest his usual place of residence, stating that he is required to make such payment at the time and place specified in the notice, and that if he fails to make the same, his stock and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid, at least thirty days previous [previously] to the day on which such payment is required to be made. They may receive, take and hold, in payment for the stock of said company, any lands or other estate, either real, personal or mixed, and they may convey in fee simple any estate so received, taken or held, and they may also mortgage or pledge any of their estate, either real, personal or mixed, in such manner and on such terms as the directors may think proper. The directors shall have pow-

Quorum.

Meetings.

President and vice president.

Other officers.

Forfeiture of stock.

May receive and convey real and personal property.

Tolls and charges.

er to establish and regulate their tolls and charges for the transportation of freight and passengers, and the storage of freight, and to collect all such tolls and charges, and to make such covenants and agreements with any person or persons, copartnership or corporation whatever, as to the construction or management of the road, as the convenience and interest of the company may require; to make any contract or agreement which they may think proper, with any other railroad company for the leasing or purchasing of the whole or any part of any railroad constructed or to be constructed by such railroad company, and to lease or sell to any other railroad company, the whole or any part of the railroad of this company or to consolidate the capital stock of this company with the capital stock of any other railroad company in this state, on such terms as shall be agreed upon by the directors of such companies respectively. The directors shall have power and authority to make and establish such by-laws as they may think proper respecting the property, business, stock, government and power of said corporation, and may exercise all the powers which may be prescribed by such by-laws, and make such other rules, regulations and orders as they may think proper; but no such by-laws, rules, regulations or orders shall be inconsistent with this act or with the constitution or laws of this state; and they shall have power, in general, to superintend and direct all the operations, receipts and disbursements, and all other affairs of said company.

Contracts.

May lease, sell or consolidate.

By-laws.

Shares deemed personal property.

SECTION 8. All shares of stock in said company owned by any person, shall be deemed personal property, and certificates for the same shall be issued in such manner and form as shall be prescribed by the by-laws, and the same shall be transferable in the manner and form prescribed by the by-laws of said company.

Special meetings.

SECTION 9. Special meetings of the stockholders may be called by order of the board of directors, or by stockholders owning one-fourth of the capital stock of said company, and the same notice shall be given as is required to be given for annual meetings of the stockholders, and such notice shall specify the object of the meeting.

SECTION 10. The said company shall have power to locate and construct, and perpetually to have, use and enjoy, a railroad with one or more railways or tracks, from the city of Berlin, Green Lake county, by way of Wautoma, in Waushara county, to Grand Rapids, in Wood county; and said company shall have the perpetual right, power and authority to transport, take and carry property and persons upon said road by the power and force of steam, or by animals, or any mechanical or other power, or any combination of power, and from time to time to receive and store any property in any of the depots, storehouses or warehouses of said company, and to make and contract all such turnouts, side tracks and connecting tracks as they shall think will promote the interest of said company; and to erect, construct and use all such depots, station houses, warehouses, car houses and shops, and all other fixtures useful for the accommodation of said company and its road, and those using it; to purchase and own rails, chains, spikes, engines, cars and all things necessary or useful for the construction and operation of a railroad. **May locate and construct a railroad, &c.**

SECTION 11. The said company is authorized and fully empowered, in its corporate capacity, to borrow any sum or sums of money from any person or persons, corporation or body politic of any kind, and for any rate of interest that may be agreed upon by and between said company and the party of whom such money may be obtained, any law on the subject of usury to the contrary notwithstanding; and to make, execute and deliver, in or out of this state, all necessary writings, notes, bonds, mortgages or other papers and securities in amount or kind as may be deemed expedient by said corporation, in consideration of any such loan or in discharge of any liabilities they may incur in the construction, repair, equipment or running of said road; and to make, execute, sell and deliver at private or public sale, in or out of this state, bonds in such sums and in such amounts, payable at such times, and bearing such rate of interest as shall be deemed expedient by said company, secured by a mortgage upon the whole or any part of the railroad of said company, with its equipments, fixtures and appurtenances; and the powers of said corporation, for the purposes aforesaid, and for all purposes necessary to carry out **May borrow money, &c.**

the objects of said company, are hereby ratified and confirmed, and the contracts and official acts of said company declared binding in law or equity, upon said corporation and upon all other parties to such contract.

Right of way.

SECTION 12. Said company shall have the right and authority to construct their railroad upon and along, across, under or over any public or private highway, road, street, plankroad or railroad, if the same shall be necessary; but the said company shall restore such highway, road, street, plankroad or railroad to its former state, so as not to impair the usefulness of the same, so far as it can be done consistently with the rights and privileges hereby granted to said company, or make compensation for the same, as provided for in section fourteen of this act; and said company shall have the right and authority to erect and maintain all necessary bridges for the use of their railroad over any stream of water or water course, at such points of crossing the stream as they may locate the said road, with all necessary abutments, piers or other foundations, but nothing in this act contained shall be construed to authorize the erection of any bridge or any other obstruction across, in or over any stream or lake navigated by steam or sail boats, at the place where any bridge or other obstruction may be proposed to be placed, nor to authorize the construction of any railroad track upon or across any street or streets in any city or village, without the assent of the corporate authorities of such city or village; and said company shall restore any stream which may be obstructed or diverted in the progress of construction of said railroad, to its natural channel.

Bridges.

Navigation not to be obstructed without consent, &c.

May survey and use land on line of road.

SECTION 13. It shall be lawful for said company, their officers, engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of said railroad shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors, employees and servants, at any time, to enter upon, take possession of and use any such land, not exceeding one hundred feet in width, along the line of said road, and also such lands adjacent to the line of said route beyond the said limits of one hundred feet, as the chief engineer of said company shall declare to be

necessary in building said road, or for the purpose of erecting depot buildings, station houses or other fixtures, and grounds about the same for the operation and business of said road, or for making drains and giving a proper direction to water courses, or for diverting or changing the channel of water courses across or along said road, or for the purpose of removing such substances and things as may endanger, obstruct or interfere with the free use of said road, or for the purpose of making deep cuts or excavations, or for the purpose of obtaining earth, gravel, timber, stone or material for embankments, structures or superstructures necessary to the construction of said road, subject, however, to the payment of such compensation as the company may have agreed upon to pay therefor, or as shall be ascertained in the manner hereinafter provided; and when such compensation shall have been paid or tendered, the title to said land shall vest in said company in fee simple, and the said company shall have the right to hold the same; and whenever in the opinion of the company the same or any part thereof shall be no longer necessary for the purposes for which the same was taken, the said company is hereby authorized to lease or sell the same, or any part thereof, in fee simple.

Water courses.

Clearing obstructions.

Compensation.

SECTION 14. The said company shall have the right to enter upon any lands required for their use, as provided in the thirteenth section of this act, and to survey and lay out said road, not exceeding one hundred feet in width; and the said company shall, if possible, agree with the owner of said lands as to the amount of compensation to be paid for such lands, whether such person shall own or possess the legal or equitable title to the same, or any lien or incumbrance on the same; and if the person or persons owning or possessing such legal or equitable title, lien or incumbrance shall be a minor, *non compos mentis*, insane or under any legal disabilities, then with the guardian of such person; and if said company cannot agree with or ascertain who are [is] such guardian or owner, then the question of compensation shall be submitted to an arbitration in the following manner, to wit: The said company shall select a disinterested arbitrator, and such owner or guardian shall select another, who shall be disinterested, and not of kin to the owner or agent of such land, and

To agree with owners.

In case of disagreement, to choose arbitrators.

the two persons so selected shall choose a third; but should the persons so chosen as arbitrators neglect or refuse to serve, or should such owner or guardian neglect or refuse to choose such arbitrator for the space of five days after being notified by said company to do so, or in case said company cannot find such owner or guardian, then, in either case, the county judge or the chairman of the county board of supervisors of the county in which such lands lie, shall, upon application being made to either of them by the president or by a majority of the directors of said company, or by its legally authorized agent or attorney, appoint three competent persons to act as arbitrators, who shall not be of kin to the claimant, and who are not stockholders in said company; and the said arbitrators shall proceed to examine the premises, and to make an award of the amount of compensation which shall be paid by said company to such person or persons for the land so taken, and shall deliver a copy of their award, in writing, to each of the parties; and if the amount awarded by such arbitrators shall be more than said company had previously offered to pay, the said company shall pay all expenses of said arbitration; if it shall be less, then the other party shall pay such costs; and either party may, within ten days after receiving a copy of such award, appeal from the same to the court having jurisdiction for the county in which such lands are situated, by giving a written notice of such appeal to some one of the arbitrators; and when the arbitrator receives such notice of appeal, it shall be the duty of the arbitrators to certify all their proceedings to said court, and the said court shall enter said case on its docket, setting down the claimant or claimants as plaintiff, and the said company as defendant; and the said court shall proceed to ascertain the amount of compensation to be paid by said company to said complainant, taking into consideration all the facts and circumstances, all the rights said company acquire by this act, and all the benefits received by the complainant from said railroad; and the said court shall thereupon proceed to hear, determine and render judgment in favor of said complaint [complainant] against said company, as in other cases tried in said court; and if the amount so found for such complainant shall exceed the amount so found

Expenses.

Appeal.

by said arbitrators, judgment shall be rendered against said company for costs; and if it shall not exceed the amount so found by said arbitrators, judgment shall be rendered in favor of said company for costs and against said claimants; and when such compensation so ascertained according to the provisions of this section, shall be paid or tendered to the parties entitled to the same, the title to said lands shall vest in said company in fee simple; and a copy of such award or judgment filed and returned in the proper deed book in the office of the register of deeds of the county in which the lands lie, shall be sufficient evidence of such title. And the said company shall have full power and authority pending all such proceedings, and until they shall refuse to pay the compensation so to be ascertained as aforesaid, to use, occupy and enjoy the peaceable and uninterrupted possession of said land or lands, for all purposes of said corporation; and they shall not, while such proceedings shall be pending, or until such refusal, be disturbed in such possession, use, occupancy and enjoyment by any proceeding in law or in equity. The said arbitrators shall, before they enter upon the duties their appointment, severally take and subscribe an oath to faithfully and honestly decide between the parties, which oath shall be taken before some person authorized to administer oaths, and shall be returned with the award.

Judgment of court, costs, &c.

Title to vest in company.

Company to enjoy peaceable possession of lands during pendency of proceedings.

Arbitrators to take an oath.

SECTION 15. No person shall be incompetent to be a witness or give testimony in a suit or proceeding at law or in equity in which the railroad company shall be a party, but no person shall be qualified to discharge the duties of judge, justice of the peace or juror, in any suit or proceeding, who is a stockholder in said company.

Competency of witnesses, &c.

SECTION 16. On the completion of said railroad or any part thereof, not less than three miles in length, it shall and may be lawful for the company to demand and receive such sum or sums of money for freight or passage, and freight of persons and property, as they shall from time to time think reasonable.

Freight and fares.

SECTION 17. If any person shall willfully and knowingly injure or destroy the railroad so to be constructed by said company, or any part thereof, or any work, building or machinery attached to or in use upon the same, belonging to said company, or shall willfully and

Penalties for injury to road.

maliciously place any obstruction or thing upon the track of said road, such person so offending shall each of them, for every such offense, forfeit and pay a sum not exceeding three times the amount of damages caused by such offense, which may be recovered in the name of said company, by action of debt in any court having competent jurisdiction in the county wherein the offense shall be committed, and shall also be subject to indictment, and upon conviction of such offense, shall be punished by imprisonment and fine, or either, at the discretion of the court.

Public act.

SECTION 18. This act is hereby declared to be a public act, and shall be favorably construed to effect the purposes hereby intended, and copies thereof printed by authority of the state, shall be received as evidence thereof in all cases; and this act shall be in full force and effect from and after its passage.

Approved June 16, 1862.

CHAPTER 352.

[*Published June* 18, 1862.]

AN ACT to authorize the village of Two Rivers, in the county of Manitowoc, to construct and maintain bridges across the East and West Twin rivers, within the corporate limits of said village.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority.

SECTION 1. The president and trustees of the village of Two Rivers, are authorized to construct and maintain bridges across the East and West Twin rivers at the following points, to wit: On Main street, across the East Twin river; at the foot of Jefferson street, across the West Twin river; on Washington street, across the West Twin river; on Monroe street, across the West Twin river.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 353.

[*Published June* 21, 1862.]

AN ACT to amend an act entitled "an act to incorporate the city of Milwaukee, and the several acts amendatory thereof," approved February 20, 1852.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The street commissioners of the fifth ward of the city of Milwaukee, shall have power and authority to order the opening, grading and graveling of Maple street, in the said ward, from Clinton street to Barclay street, and also to order the grading, planking and curbing of sidewalks and making and paving the gutters along said Maple street, from Clinton street to Barclay street, whenever they shall deem it proper to do so; and no petition therefor shall be necessary, in order to make the expense of such work legally chargeable to the lot or lots in front of which any of said work may be done.

Improvement upon Maple street.

No petition necessary.

SECTION 2. Section 5 of an act of the legislature, approved March 17, 1859, entitled "an act to amend an act entitled 'an act to incorporate the city of Milwaukee, and the several acts amendatory thereof,' approved February 20, 1852," is hereby repealed, so far as the said portion of Maple street herein mentioned, is concerned.

Not applicable to Maple street.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 357.

[*Published June* 21, 1862.]

AN ACT to amend chapter 93 of the private and local laws of 1858, entitled "an act to consolidate and amend the act to incorporate the city of Portage, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Justice to hold office in ward for which elected.

SECTION 1. Section two of chapter two of chapter 93 of the private and local laws of 1858, is hereby amended by striking out of such section the following words: "Each justice shall hold his office for the transaction of business, in the ward for which he is elected."

SECTION 2. This act shall take effect from and after its passage.

Approved June 17, 1862.

CHAPTER 359.

[*Published June* 23, 1862.]

AN ACT to extend the time which the county board of supervisors of Dane county are authorized to employ in the transaction of county business.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time extended 15 days.

SECTION 1. The county board of supervisors of Dane county, elected in pursuance of chapter 129 of the general laws of 1861, are hereby authorized to extend the time for the transaction of county business, not to exceed fifteen days beyond the time now allowed them by law in any one year; and they are hereby authorized to draw pay at the rate now provided by law, for all the time thus employed in the transaction of county business: *provided*, that no such supervisor shall be allowed to draw pay for more than forty days' attendance on the county board in any one year.

Per diem limited to 40 days.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 360.

[*Published June* 23, 1862.]

AN ACT to legalize the publication of the delinquent list of lands sold for taxes, September 15, 1859, in the county of Douglass.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The publication of the list of delinquent lands sold in the year 1859, for taxes, made March 6th, 1862, in the Superior Chronicle, a weekly newspaper published in Superior, in Douglass county, shall and is hereby declared to be legal notice to all parties in any manner interested in any lands described in said list, the same as though said list had been published twelve full weeks previous [previously] to the 15th day of March, 1862. Publication in Superior Chronicle legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 363.

[*Published June* 23, 1862.]

AN ACT to authorize the city council of the city of Racine to construct a bridge across Root river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city council of the city of Racine are hereby authorized to erect a draw or turn bridge across Root river, to commence at or near the north end on Main street, in the first ward, to some convenient point on the north side of said river, in the 4th ward of said city. Authority to erect bridge.

SECTION 2. Said bridge shall be erected with a draw or swing, with a space on each side of the turntable, to admit with ease and facility the passage of the largest class of vessels and steamers. Draw.

May sell part of Wisconsin street.

SECTION 3. Said city council are hereby authorized to sell for the best price it will bring, that part of Wisconsin street which lies north of the north line of Second street, to Root river, and the proceeds of such sale shall be applied in aid of the erection of said bridge, and the balance necessary to erect the same, after what can be obtained by voluntary subscription of the citizens, shall be raised by tax upon all the taxable property of said city, to be levied and collected as other taxes in said city are levied and collected.

Force to open bridge, &c.

SECTION 4. It shall be the duty of said council, when said bridge is completed, to keep at all seasons of navigation, sufficient manual force to open and close the same, so as to admit the passage of vessels and other water crafts, with the least possible delay.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 365.

[*Published June* 23, 1862.]

AN ACT to repeal chapter 320 of the general laws of 1862, entitled "an act to repeal chapter 264 of the private and local laws of 1857, entitled 'an act to incorporate the village of Waupacca,'" and to revive said chapter 264 of the private and local laws of 1857.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeal.

SECTION 1. Chapter 320 of the general laws of 1862, entitled "an act to repeal chapter 264 of the private and local laws of 1857, entitled 'an act to incorporate the village of Waupacca,'" is hereby repealed.

Revived.

SECTION 2. Chapter 264 of the private and local laws of 1857, entitled "an act to incorporate the village of Waupacca," is hereby revived and declared to be in full force and effect.

Special election.

SECTION 3. There shall be held a special election in said village, on the third Tuesday of July, 1862, to elect officers under and by virtue of said chapter 264, which said officers, when elected and qualified, shall

hold their respective offices till the next general election to be held in pursuance of said chapter, and until their successors are elected and qualified.

SECTION 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repeal.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 376.

[*Published June* 24, 1862.]

AN ACT to legalize the official acts of Oscar Gray, as justice of the peace of the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That all of the official acts of Oscar Gray, who was duly elected in April, 1862, as a justice of the peace for the term of two years, in the borough of Fort Howard, in the county of Brown, are hereby legalized and made as valid, during said term, as though the said Oscar Gray had complied with all the requirements of the statutes before entering upon the duties of said office. Acts legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 377.

[*Published June* 24, 1862.]

AN ACT to amend section one of chapter 200 of the general laws of 1862, entitled "an act to authorize the city council of the city of Green Bay to subscribe, in behalf of said city, fifteen thousand dollars to the capital stock of the Chicago and Northwestern railway company, and to provide for levying and collecting a tax to pay for the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners.

SECTION 1. Section one of chapter 200 of the general laws of 1862, is amended [so] as to read as follows: "E. Holmes Ellis, Thomas Burnett and E. A. Torker are hereby appointed commissioners in behalf of the city of Green Bay, and are hereby authorized to subscribe, in the name and in behalf of the said city of Green Bay, to the capital stock of the Chicago [and] Northwestern railway company, the sum of fifteen thousand dollars, if said company shall receive the same and issue their capital stock therefor: *provided, however*, that no such subscription shall be made by said commissioners unless a majority of the legal voters of said city, voting on the question, shall first vote in favor of such subscription, in the manner in this section provided. It is hereby made the duty of the said commissioners, or a majority of them, to immediately cause to be published a notice of an election to be held by the legal voters of said city, at the usual places of holding elections in said city, at such time as may be designated in said notice, which time shall not be less than fourteen days from the date of said notice, and which notice shall call upon [each of] the voters of said city to deposit a ballot upon which shall be written or printed the words 'for the railroad subscription,' or the words 'against the railroad subscription.' The said election shall be held and conducted in the same manner that general elections are required by law to be held and conducted, and the votes cast at such election shall be counted, canvassed and returned in the same manner as the votes at any such general election; and the canvassers shall make, certify, sign and deposit with the clerk of said city, a statement of the whole number of votes cast upon the question, as well as

Question to be voted upon.

Election.

Form of ballots.

How canvassed, returned, &c.

a statement of the number for the railroad subscription, and the number against the railroad subscription; and such certificate shall be as conclusive evidence of the fact as to the number of votes cast for or against such proposition, and also of the fact that such election was regularly held and conducted according to law, as in other elections held and conducted according to law. If a majority of the votes given at the election provided for in this section, shall be 'for the railroad subscription,' it shall be the duty of said commissioners to immediately subscribe to the capital stock of said railway company, provided in this section."

If vote in favor of question, commissioners may subscribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication; and all acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

Approved June 17, 1862.

CHAPTER 378.

[*Published June* 21, 1862.]

AN ACT to amend the city charter of the city of Madison.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Madison shall have power, by order or resolution, to determine and establish the grade of the streets of the city, but shall not change the grade of any streets which have heretofore been established, and which can be ascertained and determined from the records of the city or the late village, nor any grade which may hereafter be established, except as provided by chapter six of the charter of the city.

Grade of streets.

SECTION 2. The fourth section of an act entitled "an act to amend an act entitled 'an act to incorporate the city of Madison,'" approved February 1st, 1858, is hereby so amended as to read as follows: "No sidewalk shall be ordered to be constructed where none has been constructed, except upon the petition of three-fourths of the owners of lots who reside upon the same,

Sidewalks.

Petition necessary for new ones.

Petition not necessary for repairs, &c., of old ones.

along which the sidewalk is proposed to pass; but where sidewalks have been once built, the common council shall have power by a two-thirds vote of the members present at any meeting, without petition, to order such walks to be repaired in such manner as they may deem proper, or may order new walks to be constructed of different material.

Proposals for constructing sidewalks, &c.

The city clerk shall receive all proposals for constructing or repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest bidder, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe.

Repair of sidewalks, &c.

The proceedings for ordering the repair of sidewalks and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as now provided by law, in case of constructing a new sidewalk.

When contractors to be paid.

No contractor for building or repairing sidewalks shall receive any pay therefor from the city, until the tax levied for the purpose shall have been actually paid to the city or county."

Poll tax.

SECTION 3. It shall be the duty of each male inhabitant of the city over twenty-one years of age and under fifty, except active members of the fire department, to perform one full day's labor, annually, on the streets of the city; such work to be performed under the direction of the superintendent of streets, and at such time and place as he shall direct; but such person may, at his option, in lieu of such labor, pay to said superintendent one dollar, to be by him expended in work upon the streets.

Penalty for not working or paying said tax.

In case any such person shall fail to perform such labor at the time and place directed by the street superintendent, and shall not, on demand, pay the said money in lieu thereof, he shall be liable to and shall pay a penalty of two dollars, to be prosecuted for by the superintendent of streets, in the name of the city of Madison, in the police court of said city. The process in such case shall be a warrant, and in case judgment is rendered for the plaintiff, the defendant, in default of payment thereof and costs, shall be imprisoned in the county jail for ten days at hard labor. The penalty, when recovered, shall be paid to the street superintendent, to be expended in the work upon streets.

Street superintendent to give bond, &c.

SECTION 4. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dol-

lars, with two sufficient sureties to be approved by the council, conditioned for the faithful performance of the duties of his office, and of such as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of the foregoing section. He shall have a general supervision of all streets, and shall let all contracts for work upon the same, ordered by the council. He shall personally see that every man required to perform labor upon the streets, as provided by the preceding section, performs such labor or pays the amount required in lieu thereof, before the first day of September, in each year, and shall summarily prosecute for every violation of said section. He shall expend the labor and money so realized in each ward, at such places in such ward as shall be designated by the senior alderman thereof. He shall, on the first day of September, in each year, report to the council, in writing, under oath, a true and correct statement of all money received by him by virtue of this act, and from whom received, and how and where expended; also, the names of all persons who have performed one full day's labor as hereby required, the names of those who have not in any respect complied with this act, and the names of all persons who have been prosecuted for violation hereof, and the amount of penalties collected from them by virtue hereof; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than two dollars per day for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services, when actually occupied in collecting and expending the poll tax, such sum per day as the council shall determine, not more than one dollar per day, or a per centage on the amount collected, not more than ten per cent.

Duties of superintendent.

Compensation.

Chief of police may act as superintendent.

SECTION 5. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such

Mayor may grant pardons, &c.

conditions and with such restrictions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

Fines, &c.

All fines imposed by the police court of the city of Madison, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September, in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending criminal prosecutions in the city during the same period: and the clear proceeds of all such fines being thereby ascertained, shall, by order of the council, be paid into the county treasury, to be disposed of according to law.

Tax for interest on capitol bonds.

SECTION 6. The common council shall, in the year 1862, levy a tax sufficient to pay the interest on the capitol bonds, so called, due on the first day of July, 1862, and the first days of January and July, 1863.

Expulsion of constables.

SECTION 7. The common council shall have power, and it shall be their duty, to expel from office any ward constable for misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

City attorney—his salary.

SECTION 8. The mayor may select annually an attorney, competent for the purpose, to attend to such legal business of the city as shall be required of him by the council or mayor; but such attorney shall not receive more than three hundred dollars per year for such services, to be paid in the month of March, in each year, upon an itemized bill rendered.

Ex officio members of board of education.

SECTION 9. The mayor and one alderman, to be selected by the council by *viva voce*, shall be *ex officio* members of the board of education of the city of Madison. They shall hold till their official term as mayor and alderman, respectively, shall expire, and shall have the same rights and privileges as other members of the board.

Board to make annual report.

The board of education shall annually, on the first day of September, and oftener if required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board for the year preceding, and of its wants and requirements for the ensuing year.

Special tax to pay claims against board.

The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education, or such part thereof as they may deem proper; and

the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations, only upon certificate of its president and clerk, and no order on the treasury nor other evidence of debt shall hereafter be issued upon the allowance of claims.

Repeal and restoration.

SECTION 10. Any provision of law heretofore passed, prohibiting the common council from levying a tax to pay judgments against the city, is hereby repealed, and the former law restored.

Repeal.

SECTION 11. Section four of chapter six of the city charter, and section three of the act amendatory thereof, approved February 1st, 1858, and all acts and parts of acts, so far as they conflict with this act, are hereby repealed.

SECTION 12. This act shall be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 380.

[*Published June* 24, 1862.]

AN ACT for the flowing of lands in Juneau county, for the purpose of cultivating [cultivating] cranberries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority to supervisors.

SECTION 1. That the county board of supervisors of Juneau county are hereby empowered to make all such rules and regulations for the flowage and drainage of the swamp and overflowed lands in said county, as in the opinion of said board may be necessary for the encouragement and promotion of the cultivation of said lands, so far as the public interest and welfare of the county may require.

Compensation for damages.

SECTION 2. No private property shall be injured in consequence of the acts of the county board of supervisors, authorized by section one of this act, without, first, compensation shall be made therefor.

How determined.

SECTION 3. The compensation aforesaid shall be de-

termined by commissioners appointed by said board of county supervisors.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 381.

[*Published June* 24, 1862.]

AN ACT for the relief the Monroe county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Order on treasurer.

SECTION 1. The secretary of state is hereby authorized and directed to issue an order upon the state treasurer, in favor of the Monroe county agricultural and manufacturing society, pursuant to section five of chapter 53 of the general laws of 1858, in the same manner as though the annual report of said society had been received on the first day of February, 1862: *provided*, said report be on file in the office of the secretary of state at the time of the passage of this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 382.

[*Published June* 24, 1862.]

AN ACT to authorize the secretary of state to audit certain accounts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

For engraving state bonds.

SECTION 1. The secretary of state is hereby authorized to audit the account of the American bank note

company for engraving and printing Wisconsin state bonds; said account to be duly verified by affidavit, and its correctness certified to by the governor, secretary of state and state treasurer, under whose direction the bonds were engraved.

SECTION 2. A sum of money sufficient to pay the account referred to in section one of this act, is hereby appropriated out of any money in the state treasury not otherwise appropriated. Appropriation.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 383.

[*Published June* 24, 1862.]

AN ACT to change the time of holding the annual meeting of school district No. 1, in the town of Palmyra.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The annual meeting of school district number one, of the town of Palmyra, in the county of Jefferson, shall hereafter be held on the first Monday of August, in each year. The hour of its meeting shall be half past seven o'clock in the afternoon, unless otherwise provided by a vote of the district, and duly recorded at its last annual meeting. First Monday o August.

SECTION 2. The provisions of section 9 of chapter 23 of the revised statutes, shall not apply to the aforesaid school district.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 384.

[*Published June* 25, 1862.]

AN ACT to legalize the official acts of Edward Hosse, as justice of the peace of the town of Greenfield, in the county of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. All the official acts and duties performed by Edward Hosse, as justice of the peace of the town of Greenfield, in the county of Milwaukee, in this state, so far as the same are consistent with the general laws of this state, are hereby legalized, and declared to be as valid for all purposes, as though the said Edward Hosse had caused his official bond and oath to be made and filed within the time required by and in conformity with the statutes of this state.

Filing official bond and oath, &c.

SECTION 2. The said Edward Hosse is hereby authorized to execute and file his official bond and oath of office as such justice of the peace, at any time on or before the first day of July next, with the clerk of the circuit court of Milwaukee county, and the same shall be as valid and effectual, to all intents and purposes, as though they had been executed and filed as required by the statutes, within ten days after the said Edward Hosse received notice of his election as such justice of the peace, in April, 1862.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 389.

[*Published June* 25, 1862.]

AN ACT to authorize the city of Berlin to grant relief to Warren Jones, and to authorize the board of supervisors of Waushara county to grant relief to Asa B. Swain.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Relief to Warren Jones.

SECTION 1. The common council of the city of Ber-

lin are hereby authorized to release Warren Jones, the treasurer of said city, and the bail of said treasurer, from the payment to said city or to his successor in office, of the sum of six hundred and sixteen dollars, being the amount lost by said Jones, as such treasurer, by the failure of the Green Lake county bank.

Assignment of claim to city.

SECTION 2. The said city council, before passing an ordinance releasing said Jones, as provided in section one of this act, shall procure from said Jones an assignment to the mayor of said city, in trust for the benefit of the city, of all right and claim to the said sum of six hundred and sixteen dollars, against the Green Lake county bank, and the owners or stockholders thereof.

Ordinance to be valid release.

SECTION 3. In case the said city council shall determine to release said Jones and his bail, as provided in section one of this act, an ordinance of said council, passed as other ordinances of said city are passed, shall be a valid and legal release, and shall be a bar to any suits in behalf of said city for the sum so released, against said Jones or the sureties on his official bond.

Relief to Asa B. Swain.

SECTION 4. The board of supervisors of Waushara county are hereby authorized, at any meeting of said board to be held subsequent [subsequently] to the passage of this [act,] to order and determine that a special county tax shall be levied on the taxable property of said county of Waushara, sufficient in amount to relieve Asa B. Swain, clerk of the board of supervisors of said county, from the loss sustained by him, as such clerk, by the failure of the Waushara county bank; and upon such order being made, said board shall levy such tax, which shall be collected and paid into the county treasury at the same time that other county taxes are collected and paid. The moneys so levied and collected shall be paid to the owners and holders of the outstanding tax certificates which were redeemed by payments made to said clerk, who deposited the redemption moneys in said Waushara county bank: *provided, however*, that if said clerk shall have paid the whole or any part of the sum of money so lost, to the holders of said tax certificates, the county treasurer shall pay to said clerk the amount of moneys so paid out by him.

SECTION 5. This act shall be in force from and after its passage.

Approved June 17, 1862.

CHAPTER 391.

[*Published June* 25, 1862.]

AN ACT to enable the city of Sheboygan to readjust and arrange its indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

New bonds may be issued.

SECTION 1. For the purpose of compromising and taking up the bonds heretofore issued by the city of Sheboygan, by authority of all the acts authorizing the issue of bonds by the said city of Sheboygan, the common council of the city of Sheboygan shall have power to issue the bonds of said city, at a rate that the mayor and the majority of the common council may agree upon, with the bondholders of said city of Sheboygan.

Date, interest and amount of bonds, &c.

SECTION 2. The bonds authorized to be issued by virtue of this act, shall bear date January first, A. D. 1863, shall be in such forms, contain such stipulations and conditions, for such sums, each made payable where, on such time, not to exceed thirty years, at such rate of interest, not exceeding six per cent. per annum, and for such amounts, not exceeding fifty per cent. of the indebtedness of said city on the first day of January, A. D. 1863, as may be agreed upon between the city and the holders of said bonds. All agreements authorized by this act, made between the city and bondholders, and the issuing of the new bonds, shall be carried into effect by the adoption of ordinances by the common council.

Sinking fund for redemption of bonds.

SECTION 3. For the better surety and more prompt payment of said bonds, the common council aforesaid are hereby authorized and required, annually, to assess and levy upon the taxable property of said city, a sinking fund sufficient to redeem the whole of said bonds within twenty-five years, commencing five years from the first day of January, 1862. The sinking fund shall be expended in the purchase of the bonds herein authorized, at a price not exceeding their New York market value, and not above par, or otherwise invested in United States or state stocks, at not exceeding their New York market value, to be disposed of exclusively for the redemption of such bonds, whenever they can be purchased as aforesaid.

How to be expended.

SECTION 4. For the payment of the bonds herein authorized, the common council of said city are authorized and required, annually, to levy and assess upon the taxable property of said city, a tax of sufficient amount to pay the coupons and sinking fund, and such portion of the bonds as may become due during the ensuing year, the levying whereof shall be ordered by a vote of the common council, taken by ayes and noes, and recorded upon the journal; and if said levying of such tax shall be neglected or defeated, except for cause over which the common council may not have control, any member thereof so neglecting or acting knowingly contrary to the requirements of this section, shall be personally liable to a fine of five hundred dollars, for the benefit of the sinking fund aforesaid.

Tax for interest and sinking fund.

Penalty.

SECTION 5. In case of any such neglect or omission to levy such tax, by the common council aforesaid, upon the application of any one [or] more persons holding such bonds or coupons so to become due, or over due, to the judge of the circuit court, and showing such neglect or omission of the common council to the satisfaction of said judge, he is hereby authorized to issue his precept to the city clerk of said city or to any other person, commanding such clerk or person so designated, to levy the necessary tax (specifying the amount to be raised) to pay the coupons, sinking fund and bonds so due or to become due; and an assessment so made shall be as legal and binding in all respects as if ordered by the common council; and for the purpose of facilitating the assessment of such tax, in the manner prescribed, the person so directed by said judge shall have free access to all the city records, assessment rolls or other papers necessary for such purpose; and the taxes so levied shall be collected by the city treasurer, and returns made in every respect like other city taxes, and when collected shall be appropriated exclusively for the purpose specified in this act.

Judge of circuit court may order levy of tax.

SECTION 6. The common council by a two-third vote of all its members, shall have power to purchase the bonds of the city before due, at such reduced rates below their value as they may deem for the best interest of the city; and they may levy taxes, as aforesaid, for the payment of the same, not exceeding six thousand dollars in any one year for such purpose.

Bonds may be purchased before maturity.

SECTION 7. Coupons due in any one year shall be

Coupons receivable for taxes.

receivable for the city taxes of the year in which they may be assessed.

Prohibition.

SECTION 8. The common council of said city are hereby prohibited from issuing the bonds of said city, hereafter, for any other purpose whatever except in payment of the bonded debt of said city of Sheboygan.

enalty.

SECTION 9. If any member of the common council, or any city officer or agent, shall neglect or refuse to comply with the provisions of this act, not made the subject of special penalty, he or they shall be liable to such fine or imprisonment, or both, on conviction thereof, as the circuit court in its discretion may impose; and all fines imposed by the provision of this act, may be collected by action in the circuit court, upon complaint of any person or party interested, and shall be paid into the city treasury, and appropriated exclusively as provided in section four.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1862.

CHAPTER 394.

[*Published June* 25, 1862.]

AN ACT to amend an act entitled "an act to incorporate the borough of Fort Howard, and the act amendatory thereto, approved October 3, 1856."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bridge over lower slough.

SECTION 1. The bridge over the "lower slough," in the second ward of the borough of Fort Howard, shall be henceforth maintained at the expense of the whole borough; and it shall be lawful for the president and trustees of said borough to levy, from time to time, upon all the taxable property in said borough, such special taxes for the repairs, rebuilding and maintenance of said bridge, as shall to them seem necessary, and also to direct the manner and supervision of the expenditure of said taxes.

SECTION 2. This act shall be in force on and after its passage; and all laws inconsistent with the provisvisions hereof, are hereby repealed. Repeal.

Approved June 18, 1862.

CHAPTER 395.

[*Published June* 25, 1862.]

AN ACT to amend an act entitled "an act to consolidate and amend the act to incorporate the city of Milwaukee, and the several acts amendatory thereof."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. *Whereas*, by the charter of the city of Milwaukee, it is the duty of the municipal authorities thereof to levy a good and valid tax, each year, to meet the current expenses of each year; *and whereas*, according to the decision of the supreme court, declaring the taxes for the years 1856 and 1857, respectively, void, whereby the holders of orders and other evidences of indebtedness of said city, who have received the same upon the faith of the provisions of said charter, requiring said municipal authorities to levy taxes as aforesaid, have been greatly injured; *and whereas*, the majority of the property holders of said city did, for said several years, pay the amounts for which their property was taxed for said years respectively, supposing the taxation to be legal, while the minority refused to submit to such taxation, and took advantage of the illegality thereof, to the great injury of said city and of those who did submit to the taxation as aforesaid; *and whereas*, the constitution of the state requires taxation to be uniform: It is hereby made the duty of the municipal authorities of said city to assess the property liable therein to taxation, and levy taxes and collect the same for said several years respectively. Preamble.

SECTION 2. The city assessor and the ward assessors, or the majority of them, are hereby required to make out a full assessment roll for the year 1856, also New assessment rolls for 1856 and 1857 to be made out.

for the year 1857, which said rolls shall contain a true and perfect list of the real estate of said city which was liable to taxation for the year for which such rolls are respectively made out, and also the names of the persons and corporations liable to taxation for personal property, with the amounts of personal property on which they are so liable to taxation, charged against them respectively; the true intent and meaning hereof being, that the said assessors shall make out an assessment roll for each of said years, in the same manner, and with the same valuations as it was by law the duty of the assessors for said years, respectively, to make such rolls out. Such property, and none other, as was by any valid law exempted from taxation for the year for which said roll is made out, shall be exempt from valuation in such roll.

Old rolls may be used, with necessary alterations:

SECTION 3. For the purpose of diminishing the expenses and facilitating the performance of the duties imposed upon said assessors by this law, they are hereby authorized to make use of the several assessment rolls made out by the assessors of the said years respectively; and instead of making new rolls, to take said rolls for said years made by said former assessors, and correct the same by interlineations as to description or value, or by such other mode of adding to or charging [changing] such rolls as shall be deemed by said assessors for the year 1861, most convenient.

How property to be assessed.

Each piece of property liable to taxation, shall be assessed at its value, as it was in the year for which the assessment roll is made out; and the assessment of personal property shall be for the same amount, and against the same persons and corporations which should have been stated or named on the assessment rolls for the year for which said new assessment is made out.

Assessors' certificate.

SECTION 4. The assessors or a majority of them as aforesaid, shall annex to the assessment rolls for the said years respectively, a certificate in the following form, viz.: "We, the assessors for the city of Milwaukee, certify, that the foregoing is a correct assessment roll for the year ——;" and shall sign the same, filling the blank after the word "year," with the year for which said roll is made out. Such roll certified as aforesaid, shall be conclusive evidence that such assess-

ment roll is legal and just, in all suits in which the legality of the same may be a question.

Levy of tax, and 7 per cent. in addition thereto.

SECTION 5. The common council shall, as soon after the completion of such assessment rolls as convenient, levy a tax for each of said years upon the property liable to taxation for such year, which shall be the same per centage upon the valuation as was heretofore levied by the common council for such year, and shall also, by resolution or otherwise, direct that seven per cent. per annum upon the amount of the tax levied for each of said years, calculating from the 1st of February next following such year, until the first day of September, 1862, to the treasurer, be collected in addition to such per centage; the true intent hereof being, that the amount levied upon each dollar of valuation shall be the same as was levied for the same year by said common council, except as to the additional amount, equal to interest at seven per cent. upon the said illegal tax of each of said years, from the 1st of February following such year, to the first day of September, 1862, under the act as aforesaid.

Tax lists.

SECTION 6. The clerk of said city shall, as soon as convenient after said common council shall have so levied a tax as aforesaid, make out tax lists showing the amount of tax charged against each piece of real estate, and against each person or corporation for personal property, substantially in the form heretofore used. To avoid expense, he may make use of the tax lists heretofore made out for said years respectively, making such interlineation, corrections and additions as shall be necessary to make the list a correct list, according to the assessment and levy of tax for such year: *provided, however*, he shall not erase the amount charged against any lots for such year, nor the marks by which payments of such amounts may be shown; nor shall he make any change in the entries where there has been no change of valuation on the assessment rolls, as made under this act, from said assessment rolls heretofore made for the same year. If the tax be increased upon any piece of property, the amount of such increase shall be shown; if diminished, the amount to which it is diminished shall be shown. No particular form shall be necessary in making out such tax list. It shall be sufficient, if by the body of the list, by interlineation, by additions, by note, by

Old lists may be used, with proper corrections.

memorandum, by explanations, or in any other way, it can be ascertained how much is charged against each piece of property described in such list, and against each person or corporation for personal tax.

Warrant.

SECTION 7. When said tax list is finished as aforesaid, the clerk shall attach thereto a warrant in the following form: "The treasurer of the city of Milwaukee is hereby required to collect the taxes mentioned in the foregoing list, and to enforce the payment of the same in the manner required by the charter of said city, as amended by subsequent acts;" and shall sign such certificate and affix thereto the seal of the city. Said clerk shall thereupon deliver such tax list to the treasurer of such city, who shall proceed to collect the taxes mentioned in the same, as nearly as is convenient, in the manner prescribed in said charter, as amended by subsequent acts. But no notices of the time of collection or sale need be given by him, except one to be published in some newspaper in the city of Milwaukee, as soon as convenient after the reception by such treasurer of such tax list, substantially in the following form: "The tax list for the year —— (filling the blank with the year,) is now in my hands for the collection of taxes." Such notice shall be signed by the treasurer and published for four successive days in some newspaper printed in said city. Said treasurer may in one notice include the lists for said several years, and thereby avoid the necessity of giving a separate notice for each of said years.

Collection of taxes.

Form of treasurer's notice.

Clerk may make out new lists of lots on which taxes were unpaid, &c.

SECTION 8. The clerk may, at his option and by consent of the comptroller, make out entire new tax lists, instead of using the old ones, or may in addition to delivering the old tax lists to the treasurer as aforesaid, make out lists for each of said years of all those lots or pieces of land upon which the taxes were unpaid and which were not entirely redeemed after the sale, and also of those lots and pieces of land whose taxes shall be increased by the levy under this act; also, of the persons, companies or corporations charged with personal tax under this act, and who have not credits equal to or greater than the amount charged against them. He shall attach to such book his certificate with the seal of the city, that it is the supplementary tax list for the year for which it is so made out. The same use may be made by the treasurer of

such list as of the principal tax lists, and they shall have the same effect in evidence. The assessors, clerk, treasurer, comptroller and other officers of said city, whose duties are increased by this law, shall have such compensation therefore [therefor] as shall be determined by the common council.

Compensation of officers.

SECTION 9. The assessors may likewise, at their option, and with the consent of the comptroller, make new assessment rolls for all or any of said years, without using the old assessment roll.

New assessment roll.

SECTION 10. The common council shall, before the tax lists are delivered to the treasurer, require a new bond in such sum as they shall think fit or necessary. If the treasurer shall neglect or refuse, within the time prescribed by the common council, to give such bond, or shall resign his office, or become incapacitated to perform its duties or to hold it, the common council may appoint some one to be treasurer, subject to the duties and with the rights of the present treasurer.

Treasurer to give new bond.

SECTION 11. If the taxes mentioned in any list shall not be paid within thirty days from the time such list is received by the treasurer as aforesaid, he shall, as soon thereafter as convenient, commence selling the lands described in the lists upon which taxes remain unpaid, in the manner prescribed by the said charter, and shall continue such sale from day to day, until the whole of such lands upon which taxes remain unpaid, as aforesaid, are disposed of. If the tax charged against any lot shall be equal to or less than the amount heretofore paid upon the same for the same years, under or in pursuance of said illegal assessments, then no sale thereof shall take place. If an amount has heretofore been paid by the owner of such lot, in pursuance of such illegal assessment, less than the amount charged against such lot on such tax list under this act, such lot shall he sold for the difference only between the amount paid and the amount so charged. If any tax on personal property shall remain unpaid for the space of twenty days after the reception by such treasurer of such tax list, then the treasurer shall enforce the payment thereof in the manner provided in the charter: *provided*, that if the person or corporation charged with such tax shall have paid an equal or greater amount in pursuance of said illegal assessment for the same year, the amount charged against him on such

If taxes not paid within 30 days, lands to be sold.

When lots not to be sold.

Partial payment under old assessments.

Tax on personal property.

tax list shall not be enforced, and if he shall have paid a smaller amount in pursuance of such illegal assessment, then the difference between such amount and the amount so charged on said list, shall alone be collected of him; the true interest [intent] hereof being, that payments heretofore made as aforesaid, by parties on either real or personal property, for either of said years, shall be considered credits to such party, diminishing the amount to be paid by him on such real or personal property in pursuance of this act. In making the sales, the treasurer shall commence with the list for the year 1856, and shall proceed with the different lists in the order of the years for which the taxes are levied, and the rights and priorities of the different purchasers, under the different sales and for the different years, shall, as against each other, be the same as if the sales for the taxes of each of said years had been made at the times when, under the charter of the city, they ought to have been made.

Sales to commence for taxes of 1856.

City orders and certificates of sale receivable for taxes.

SECTION 12. Orders issued by said city, without regard to the time in which said orders were issued, or the date of the indebtedness to pay which such orders were issued, shall be receivable in payment for all taxes levied under this act, except as to special taxes, and also in payment of sums bid upon sales under this act. Certificates of sale, upon any lot in the hands of any persons or body corporate, other than the city of Milwaukee, shall be received in payment of taxes on such lot, in the same manner as orders; and if such certificate shall exceed the amount charged against such lot, the holder shall be entitled to receive from the treasurer orders issued prior to February first, 1861, or scrip issued under the ordinance of said city not receivable for taxes of years subsequent to 1860, for the difference.

Statement of clerk.

SECTION 13. The clerk, in making out the tax list, shall not enter thereon said seven per cent., but shall make said lists as if no such seven per cent. on the amount charged, or which should have been charged for taxes for said years respectively, was to be collected. But he shall add to the list for each of said years, a statement signed by him as clerk, substantially as follows, to wit: "The foregoing amounts do not include the seven per cent. per annum from the 1st day of February, A. D. ——, which should be added to the

same, and which the treasurer is directed to collect." The blank subsequent to the abbreviations A. D., shall be filled up with the numerals representing the year following the year for which such list is made out. The treasurer shall, in collecting and also in making sales, add to the amount of taxes charged against any piece of property or person, a sum equal to interest at seven per cent. per annum from the 1st of February, specified by the clerk as aforesaid, to the first day of September, 1862, under this law, and shall also in giving credit for sums heretofore paid as aforesaid, and also on tax certificates, credit interest at seven per cent. aforesaid, for the term aforesaid.

7 per cent. to be added by treasurer.

SECTION 14. It shall also be the duty of said common council to relevy all valid and legal special taxes for said years respectively, by a general direction to the clerk to carry out on the tax list of each of said years, against each lot or piece of land, any special tax or assessment which was by direction of said common council charged against said lot or piece of land, on the said illegal tax list for the year for which such tax list is made out, under this act. Said clerk shall, before delivering the tax lists to the treasurer, as aforesaid, compare the entries on said illegal list for special taxes or assessments, with the resolutions of said common council for said years respectively, and with such other documents as are on file in the office of said clerk, by which the correctness of such entries may be determined; and if he shall find such entries correct, and properly charged, he shall retain them on the list made out under this law, to be delivered to the treasurer; and the treasurer shall collect and enforce payment of the same, in the same manner as other taxes; and the seven per cent. required to be paid on other taxes under this act, shall be added to such special taxes or assessments.

Relevy of special taxes for said years.

Clerk to compare, &c.

SECTION 15. If a sale has heretofore taken place for any such special tax or assessment, and the city has bid off the lot or land against which the same is charged, and now holds the certificate of sale, such bid shall be held to have been made for the benefit of the party to whom the money raised by such special tax should rightfully belong; and if the treasurer shall, for want of bidders, again bid in such lot, in the name of the city, such bid shall be held to be for the benefit of the same party,

For whose benefit certain bids have been or may be made.

who shall, upon presentation and surrender to the treasurer of the evidence of his right to the same, be entitled to receive such certificate; and in case the sale shall be for taxes due the city for other purposes, as well as for special taxes, such sale shall be deemed to be for the benefit of the city, to the extent of the taxes for such other purposes, and the party entitled to the proceeds of the special tax must pay the amount due the city as aforesaid, before receiving such certificate; and it is expressly herein provided, that in no case shall the city be made liable for the amount of such special tax or assessment, by reason of holding or taking such certificate in the name of the city.

Ibid.

SECTION 16. If any lot or piece of land has heretofore been bid off by any person aside from the city, for the taxes of either of said years, in pursuance of either of said illegal assessments, any amounts (not exceeding the amount paid by the purchaser, and seven per cent. interest thereon,) paid to the treasurer of said city upon the tax levied for the same year, upon such lot or piece of land, in pursuance of this act, or upon the sale of such lot, for the taxes of the same year under this act, shall be for the benefit of the person who is the lawful holder of the certificate given on the said sale which so took place prior to this act, and upon the surrender of such certificate, shall be paid by the treasurer to such holder: *provided, however*, that the treasurer need pay to said holder only such funds (orders or otherwise) as are received by him in pursuance of this act.

Assignment to holders of prior certificates.

If such lot shall be bid off for either of said years in the name of the city, the holder of said prior certificate for the illegal taxes of the same year, shall, upon surrender of the same, be entitled to the assignment of said last certificate, upon payment to the city of any excess due at the time when such assignment is made, upon said last certificate, (in principal and interest,) beyond the amount paid as aforesaid by the holder of such prior certificate, and seven per cent. interest. If the amount due on the last, (principal and interest,) shall be less than the amount due for principal on the prior certificate, and the seven per cent., the holder shall be entitled to receive the difference in scrip or orders of said city, of a date prior to the 1st of February, 1861. If such assignment shall not be demanded while said last certificate is in the possession of the

Payment of prior certificates.

treasurer, said prior holder shall be entitled, upon surrender of his certificate, to receive of the moneys paid to the treasurer for this assignment or redemption of such last certificate, the principal of the prior certificate, and interest at seven per cent. to the time of such payment to the treasurer; and if such payment be of a sum less than said principal and interest as aforesaid, said holder shall receive the difference in scrip or order of the city, of a date prior to said February 1st. If a part only of such piece of land is redeemed, or a part only of the taxes are paid, the holder of the prior certificate may receive such part, endorsing on his certificate the amount so paid.

Redemption of lots from prior sales.

SECTION 17. If any lot or piece of land, or any part thereof or interest therein, has been redeemed from sale in pursuance of either of said illegal assessments, or such sale otherwise cancelled [conceled] on the sales book, credit shall be given in the same manner as if the tax on such lot or piece of land or any part thereof or interest therein, had been paid prior to the sale, but only to the amount of the tax so illegally levied upon such lot or piece of land, or upon the part or interest redeemed, and the seven per cent. interest. If an entire lot or piece of land has been assessed, and for either of said years as aforesaid, taxes on a distinct part of an undivided interest in the same have been paid, credit as aforesaid, under this act, upon the taxes levied under this act, shall be given for the benefit of such distinct part or undivided interest, (as the case may be.) If any person (other than the city) is the holder of a certificate of sale of a distinct part of an undivided interest in any lot or piece of land sold in pursuance of either of said illegal assessments, he shall, as to such distinct part or undivided interest, have the benefit of the provisions of this act applicable to the holder of a certificate of an entire lot or piece of land. All provisions of this act in regard to lots or pieces of land, shall be construed and understood to apply to distinct parts of and [an] undivided interest in lots or pieces of land, so far as such construction or understanding may be necessary in order practically to carry out the provisions of this act, according to the true intent and meaning thereof.

Credit for partial payment of prior taxes.

Surrender of tax deeds.

SECTION 18. If a deed has been given to the holder of any certificate issued in pursuance of either of said

illegal assessments, the surrender of such deed, with a release endorsed thereon by the grantee or his lawful assigns, shall be equivalent to the surrender of the certificate. Such deed shall be *prima facie* evidence of the right of the grantee as holder of the certificate, and a conveyance from the grantee shall evidence his assignment of such certificate: *provided*, the grantor or his assignee shall take and subscribe an oath, to be filed in the treasurer's office, that he has not disposed of or parted with his interest under such tax deed.

Provisions of this act merely directory.

SECTION 19. The provisions of this act, in regard to the time and mode of levying the various taxes, are merely directory, and no informality or variation from the mode herein prescribed, not affecting the substantial justice of the tax itself, shall invalidate any tax levied by authority of this act.

Correction of errors.

In case there shall be a substantial error or fault which shall render the tax as against any person or lot or piece of land, unjust, such person or the owner of such lot or piece of land or any part thereof or interest therein, may at any time before the sale (if the unjust tax be on real property) or before the issue of the warrant for collection, if the tax be personal, apply to the common council for correction of the error or fault which makes the tax unjust; and the common council, either by joint convention or by action of the two boards separately, as they shall deem most convenient, or in acting upon different errors brought to their attention, in both ways, may correct all errors and faults in the assessment roll and tax list, which render the taxation unequal or unjust: *provided*, that the common council shall not review or change any assessment of value or amount, either on the real or personal property made by the assignor, [assessor,] but may supply omissions; *and provided, further*, that in case any change in the tax list shall increase the amount of tax on any real property, or the amount of tax charged against any individual personally, after such tax as shall have been already charged is paid, no sale shall take place of the real estate whose tax is so increased, and no warrant shall issue for the collection of the personal tax, until notice of the change has been first given to the party or parties who so paid such tax. The common council may, in such case, by ordinance or resolution, prescribe the mode of giving such notice, and the time of making

such sale or issuing such warrant. The common council may make such corrections as often as any error is brought to their attention, until the sale of real estate, under this act, shall actually have been commenced; but the common council, or either board, for the purpose of making such corrections, may direct such sale to be postponed for a period not longer than three weeks.

Neglect to complain, a waiver of objections to tax.

SECTION 20. Every person who shall neglect to make complaint to the common council, as aforesaid, until after such sale is commenced, shall be deemed to have waived all objection to the justice and legality of said tax list, except as to special taxes; and the tax list shall, except as to said special taxes, be conclusive evidence of the justice and legality of the taxes mentioned therein, both real and personal; and every complaint or suit to set aside such taxes, or to enjoin the collection thereof, or to test their validity, or the validity of any certificate of sale given under this act, shall be dismissed, on motion, unless the complaint contain any averment that application was made to said common council to correct the error or fault complained of, and the correction was refused: *provided, however*, that if any tax (aside from said special taxes) charged against any real estate or for personal property, shall, by any error in making the tax list (but not for excess of valuation) in the assessment roll, exceed the just and fair amount which ought to be charged, the city shall pay back to the party so paying the tax, the excess. If any real property, or the name of any person who ought to be assessed for personal property, which ought to be assessed for said several years, or either of them, is omitted either by acident [accident] or design, on either of said assessment rolls, and the omission is not supplied by the common council before said sale under this act, it shall be the duty of the common council, if such omission is discovered by or pointed out to them, to cause the same to be separately entered upon the tax list for the year 1862, assessing the value or amount of tax as they ought to have been for the year in which the omission took place.

Omissions to be supplied.

Limit to time to commence suits against city.

SECTION 21. Every suit to recover any debt, claim, demand or damages against the city of Milwaukee, shall be commenced within three years from the time when the cause of action as [has] accrued or shall ac-

crue, and not thereafter: *provided, however*, that this section shall not take effect until three months after the passage of this act.

Cancellation of unredeemed tax certificates.

SECTION 22. It shall be the duty of the city treasurer, before receiving the tax list and warrant for said years 1856 and 1857, to surrender to the common council, who shall cancel the same, all unredeemed and unsold tax certificates in his hands for those years, belonging to the city, accompanied by a complete list of the same.

Approved June 18, 1862.

CHAPTER 396.

[*Published June* 28, 1862.]

AN ACT to revise, alter, amend and consolidate "an act to incorporate the city of Sheboygan," approved April [March] 19th, 1853, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

OF BOUNDARIES.

Boundaries unchanged.

SECTION 1. All that district of country, in the county of Sheboygan, known and incorporated as the "city of Sheboygan," shall be and remain a city by the name of "Sheboygan;" and the people now inhabiting, and those who shall hereafter inhabit within said district, shall be a body corporate and politic, by the name and style of the "city of Sheboygan," and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, and of answering and being answered unto, in all courts and places and in all matters whatsoever, with power of purchasing, receiving, holding, occupying and conveying personal and real estate, and shall have a common seal, and may change the same at pleasure, and shall be competent to have and exercise all rights, powers and privileges, and those

Style and powers.

only of a municipal corporation, and be subject to all the duties and obligations appertaining thereto, and none other.

SECTION 2. The said city shall be divided into four wards. The numbers designating each, and their respective boundaries, shall be and remain as now established by law. Wards.

CHAPTER II.

OF GOVERNMENT AND ELECTIONS.

SECTION 1. The government of said city, and the exercise of its corporate powers and the management of its fiscal, prudental and municipal concerns, shall be vested in one mayor and in a common council, to consist of three aldermen from each ward of said city, and actually residing in the ward for which they are elected, and in such other officers as are hereinafter provided for; and not less than two-thirds of the aldermen of said city shall constitute a quorum to do business, and shall be styled the "common council." Corporate powers—how vested.

SECTION 2. The elective officers of said city shall consist of one mayor, one city clerk, one treasurer, three school commissioners for the city, and three aldermen, one assessor, one constable and one justice of the peace for each ward. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the common council. All elective officers, except justice of the peace and school commissioners, shall, unless otherwise provided, hold their respective offices for one year, and until their successors are elected and qualified: *provided, however,* the common council shall have power, for due cause, to expel any of their own number, and to remove from office any officer or agent under the city government, due notice being first given to the officer complained of. Justices of the peace shall hold their offices for two years, and the school commissioners shall hold their offices for three years; all which officers shall hold their offices until their successors are elected and qualified. Elective officers. Power to remove.

SECTION 3. There shall be held annually on the first Tuesday in April, of each year, in each ward of said city, an election for elective officers under this act, at such place in each ward as the common council shall Annual election.

designate, and the polls of such election shall be kept open from nine o'clock in the forenoon till five o'clock in the afternoon, and ten days' previous notice shall be given by the common council of the time and place of holding such election, and the city and ward officers to be elected.

Aldermen—their classification.

SECTION 4. There shall be elected at the first election under this act, one alderman for each ward, who shall hold his office for two years, and two aldermen who shall hold their offices for one year; and at every annual election thereafter, there shall be elected one alderman for each ward who shall hold his office for two years, and one alderman who shall hold his office for one year. There shall be written or printed, or partly written or printed, at the head of the votes for alderman for two years, the words "alderman for two years," and at the head of the votes for alderman for one year, "alderman for one year." One of the school commissioners elected at the first election under this act, shall hold his office for one year, and one of said school commissioners shall hold his office for two years, and one of said school commissioners shall hold his office for three years; and the school commissioners who are to hold their offices but one and two years shall be designated on the ballot "for one year" and "for two years" respectively, so that at the next election thereafter there shall be elected one school commissioner, whose term of office shall be three years.

Vacancies.

SECTION 5. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill any vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections by ballot.

SECTION 6. All election [elections] by the people, shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the

common council, at such time and in such manner as they shall direct. All persons entitled to vote for county or state officers, and who shall have resided in the city for six months previous [previously] to the election, and for ten days within the ward where they offer to vote, shall be entitled to vote for any officer entitled to be elected under this act, and to hold any office hereby created. Qualification of voters.

SECTION 7. The election [elections] in said city shall be held and conducted by the aldermen of each ward, who shall be the inspectors of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the laws of this state regarding elections. Manner of conducting elections.

SECTION 8. If either of the inspectors shall suspect that any person offering a vote does not possess the qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving the vote of any such person, shall require him to take the following oath: "You do solemnly swear (or affirm, as the case may be,) that you are twenty-one years of age, and that you are a citizen of the United States, (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization;) that you have resided within the state of Wisconsin one year, within the city of Sheboygan six months, and within this ward ten days next preceding this election, and that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter, shall vote at any election, or if any person duly qualified shall Illegal voting. Oath. Penalty.

vote in any other ward than the one in which he resides, or shall vote more than once at any one election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect count and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit court of the county of Sheboygan.

List of votes sworn in.

Penalty.

Inspectors to make returns.

SECTION 9. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office; and shall deliver or cause to be delivered such returns to the city clerk, within one week after any election. The common council shall meet and canvass said returns and declare the result, as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election.

Special elections to fill vacancies.

SECTION 10. Special elections to fill vacancies or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Officers refusing to serve.

SECTION 11. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy, as herein prescribed.

SECTION 12. All officers elected in pursuance of the provisions of this act, shall, within ten days after notice of their election, qualify to perform the duties of their respective offices; and in default of such qualification, the person so elected to office and failing to qualify, shall forfeit and pay to the use of the poor of said city, the sum of ten dollars, to be sued for and collected in the name of said city. When officers to qualify—penalty for refusing to qualify.

SECTION 13. The common council shall have power to enact, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of fires and for the benefit of trade and commerce, and for the health of the city, as they may deem expedient, declaring and imposing penalties and fines, and to enforce the same against any person who may violate such ordinances, rules or by-laws, and the same are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of the state of Wisconsin; and for these purposes shall have authority by ordinance or by laws: Powers of council.

1st. To establish rates for and license and regulate auctioneers, taverns, groceries and victualing houses, and all persons retailing or dealing in spirituous, vinous, strong, ardent or intoxicating liquors in said city; and the rate for vending such liquors shall in no case be less than ten nor more than one hundred dollars; and also to license and regulate the exhibitions of showmen or the exhibition of any natural or artificial curiosities, or of any circus or theatrical performance in said city. All moneys received for such licenses shall be paid into the city treasury, and belong to the poor fund. Licenses.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling. Gaming.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, houses of ill-fame, billiard-tables, ball-alleys or table, shows and exhibitions. Riots, &c.

4th. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, slaughter house, barn, privy, sewer, or other unwholesome or nauseous houses or places, to cleanse, Cleanse unwholesome places.

remove or abate the same, from time to time, as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city or vicinity.

Slaughter houses, markets, &c.

5th. To direct the location and management of all slaughter houses and markets, to establish rates for and license venders of gunpowder, and regulate the storage and keeping and conveying of gunpowder and other combustible materials.

Encumbering streets, &c.

6th. To prevent the encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood or other materials or substances whatever.

Immoderate driving, bathing, &c.

7th. To prevent horse-racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

Cattle, &c.

8th. To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same.

Dogs.

9th. To impose a tax on dogs, and prevent their running at large, and to authorize their destruction in a summary manner, when at large contrary to the ordinances of the city or the laws of this state.

Putrid carcasses, &c.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcass or any unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound beef, pork, fish, hides or skins of any kind; and in default, to authorize the removal thereof at the expense of such person or persons.

Pounds, pumps, lamps, hacks, &c.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs; to erect lamps, and to license and regulate hacks, cabs, drays, carts, and establish the rates of charges of draymen, hackmen, cabmen, warehousemen, whafingers and piermen within the limits of the city.

Boards of health.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, and regulate the same, as well as the burial of the dead and the returns of the bills of mortality, and all grounds and places set apart for public use in said city.

General powers for protection against fires.

13th. To regulate the procuring of fire buckets and the purchase of fire engines, to establish fire limits, and prescribe and regulate the materials of which

houses may be built within the same, and the manner of erecting and securing chimneys, and to provide for removing chimneys which may be deemed dangerous, and to require and provide for the building of new chimneys when deemed necessary, at the expense of the owners or occupants of buildings, when the same may be required; to require the owners of buildings to provide and keep suitable ladders and fire buckets; and if any such owner neglects or refuses to provide suitable ladders or fire buckets, after a reasonable notice, the common council may procure and deliver the same to him, and require him to pay for the same, and in default thereof may bring an action against said owner, and be entitled to recover in such action the value of such ladders, fire buckets, or both, with costs of suit; to direct the construction of vaults for the safe deposit of ashes, to appoint fire wardens and prescribe their duties, to regulate the manner of putting up stoves and stove-pipes, to compel the owners or occupants of houses or buildings to have scuttles on the roofs of such houses or buildings; and for the purpose of arresting the progress of any fire, the mayor and common council, or any three members thereof, may direct any building or buildings to be removed, torn down or blown up with gunpowder, and to establish such other measures of prudence for the prevention or extinguishment of fires, as said common council may deem proper.

Wharves and bridges.

14th. To regulate the building of wharves and bridges, and provide for the protection and security of the same.

Driving on sidewalk, &c.

15th. To prevent all persons riding or driving any horse, ox, mule or cattle, or other animal, on the sidewalks in said city, or in any way doing any damage to such sidewalks.

Firearms, fireworks, &c.

16th. To prevent the discharge of firearms or crackers, except by special permission of the common council, and to prevent the exhibition of any fireworks in every situation which may be considered by the common council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness, obscenity, &c.

17th. To restrain drunkards, immoderate drinking, indecent exposure of the person or obscenity in the streets or public places, and provide for arresting, re-

moving and punishing any person or persons who may be guilty of the same.

Watchmen and firemen.

18th. To regulate the police of the city, to appoint watchmen and firemen, prescribe their duties, and punish their delinquencies.

Market regulations.

19th. To establish public markets, and make rules and regulations for the government of the same, and to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Hay, fuel, &c.

20th. To regulate the place and manner of weighing and selling hay, of measuring and selling fuel, and appoint suitable persons to superintend and conduct the same.

Removal of rubbish, &c.

21st. To compel the owner or occupant of any building or grounds to remove the snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and on default, to authorize the removal or destruction thereof, at the expense of such owner or occupant.

Trees, &c.

22d. To protect trees and monuments in said city.

Support of poor.

23d. To make all necessary rules and regulations for the support of the poor who are lawfully chargeable upon said city, not inconsistent with this act.

Public grounds, streets, &c.

24th. To lay out, widen, enlarge and open public grounds, squares, streets and alleys, in the manner hereinafter provided.

Officers that may be appointed by council.

SECTION 14. The common council shall have power to appoint and at pleasure to remove, the following officers, viz.: one bridge tender, one fire warden for each ward, one superintendent of the poor for the city, one city attorney, one comptroller, one sealer of weights and measures, one or more surveyors, and so many measurers of fuel, grain, lime and other marketable articles, weighers of hay, pound masters, sextons and keepers of the burial grounds, and inspectors of lumber, as the common council may from time to time deem expedient, and prescribe their duties and the compensation of all officers named in this section, except the harbor master and overseer of the poor, and such officers as are prohibited from receiving any salary; and to require bonds for the faithful performance

of the duties of such of them as may be deemed expedient and necessary by said common council. But no such fire warden, sealer of weights and measures, measurer of fuel, lime or other article, weigher of hay, surveyor, pound master, sexton or keeper of any burial ground, shall receive from the city any compensation for his services, unless such services were required by the common council for the use of the city, but shall be paid therefor in all cases by the person requiring such services, or by such other person as shall be liable therefor, by law or under the ordinances of said city.

CHAPTER III.

OFFICERS AND THEIR DUTIES.

SECTION 1. The mayor shall be the chief executive officer and head of the police of the city. It shall be his duty to recommend, in writing, to the city council, such measures as he shall deem expedient. He shall sign all commissions, licenses and permits which may be granted by the common council, and keep a record of the same, and shall maintain peace and good order, and see that the laws of the state and ordinances of the city are observed and executed, and shall preside in all meetings of the common council at which he is present. Mayor—his duty.

SECTION 2. The common council shall, on the third Monday of April, in each year, elect one of their number as president, to preside in their meetings in the absence of the mayor. In case of a vacancy in the office of mayor, or of his being unable, by reason of sickness or temporary or continued absence, to perform the duties of his office, the president of the common council shall exercise all the powers and perform all the duties of mayor, until that officer shall resume his office, or the vacancy be filled by a new election. In case of the absence or inability of both the mayor and the president of the common council, the clerk shall be president *pro tem.*, and for the time being shall discharge the duties of the mayor. The presiding officer of the council, for the time being, shall only be entitled to the casting vote, and it is hereby made his duty to cast such vote. President. President *pro tem.*

SECTION 3. The common council shall have power Further powers of council

to preserve order and propriety in its proceedings, and to punish, in a summary manner, by fine or imprisonment, or both, all disorderly or disrespectful conduct in its presence, to compel by pecuniary penalties, the attendance of its members, to determine the rules of its proceedings, and to adopt by-laws for its own government, not inconsistent with the provisions of this act, a journal of which proceedings and rules and by-laws thereof, shall be kept and be open to the inspection of every citizen, at all reasonable times; and to prescribe the time and places of holding its meetings, not inconsistent with this act, which shall always be public.

Peace officers.

SECTION 4. The mayor, or acting mayor, each alderman, watchman, and each justice of the peace in said city, shall be conservators of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens and military companies of said city; and if any person, bystander, officer or private of such military company, shall refuse to aid in maintaining the peace, when so required, such person shall forfeit to the use of the poor of said city, the sum of twenty-five dollars. When the civil power of said city may be required to suppress such riotous or disorderly conduct, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings, and all other persons shall be bound to obey his lawful orders.

Clerk—his duty.

SECTION 5. The clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the common council, and keep a full an accurate account thereof in books provided for that purpose. He shall file in his office all chattel mortgages presented to him for that purpose, and safely keep the same, receiving therefor the same compensation as clerks of towns; and all

chattel mortgages so filed shall be as valid and legal as if the same had been filed in the town clerk's office in any town. The clerk shall have power and authority to administer oaths or affirmations.

Justices—their jurisdiction.

SECTION 6. The justices of the peace elected under this act, shall have the same jurisdiction and perform all the duties of justices of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by a majority of the common council, and in addition thereto, they shall have jurisdiction in all cases arising under the ordinances and laws passed by said city, unless therein otherwise provided. All constables elected by virtue of this act, shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Constables.

Treasurer—his duty.

SECTION 7. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by law or by the ordinances of said city. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which belongs to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order signed by the mayor or acting mayor, by order of the common council, and countersigned or attested by the clerk. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when and the person from whom the amount of the several sums was received, which books shall at all reasonable times be open to the inspection of any person. He shall as often as the common council require, render to said council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for this service, except as herein otherwise provided, he shall have the same powers and be subject to the same liabilities, and be governed by the same law, as treasurers of towns. He shall pay all city orders in a manner prescribed by the common council.

He shall, before entering upon the duties of his office, execute to the city a bond for the faithful discharge of his duties, in such sum and with such sureties as the common council shall direct. He shall keep the moneys required to be raised by the provisions of this act, separately, and shall not apply, on any occasion, one fund to pay the debts of another.

Assessors—their duty.

SECTION 8. The assessors shall assess all taxable property in said city, and shall make out the annual assessment roll for said city, in accordance with the general laws of this state relating to the assessment of property and the duties of assessors, except that, when any oath is required of the assessors, the same may be made by any three of them; and said assessment roll shall be equalized and notice thereof given by the said assessors, at the time and in the manner required by law; and the notice of the meeting of the board of equalization shall, in addition to the posting thereof required by law, be published in two newspapers, one printed in the English language and the other in the German, published in said city for two weeks previous [previously] to such meeting. Immediately after such assessment roll is equalized, the same or a copy thereof shall be deposited in the office of the city clerk.

Equalization—notice of meeting.

School board—their powers and duties.

SECTION 9. The said city shall be and constitute one school district. The three school commissioners hereinbefore provided for, shall constitute a school board for said city, and shall, as such board, exercise the same powers and perform the same duties as have heretofore been vested in and performed by superintendents of schools and by the school district boards, as provided by the general laws of this state, and shall, in all things, be subject to the general laws of this state, as they may from time to time be amended. Said board shall annually elect one of their number to serve as clerk and another as treasurer of said school district. The treasurer shall give a bond for the faithful discharge of the duties of his office, with sureties to be approved by the mayor. It shall be the duty of said board, between the first and fifteenth days of October, in each year, to make and transmit to the common council of the city of Sheboygan, a report in writing, bearing date on the first day of October, in the year of its transmission, stating,

Annual report.

Number of schools.

1st. The number of schools taught within the city,

and the length of time they have been taught by qualified teachers.

2d. The total amount of public money received for the use and benefit of such schools. Public money.

3d. The number of children taught in the common schools of the city, and the number of children residing in the city over the age of four and under the age of twenty years. Children taught.

4th. The manner in which the public moneys have been expended, and whether any and what part remains unexpended, and for what cause. How moneys expended.

5th. The amount of money raised in the city and paid for teachers' wages, in addition to the public money raised therefor, the amount of taxes raised for the purchase of school house sites, for building, hiring, purchasing, repairing and insuring school houses, for fuel, for district libraries, or for any purpose allowed by law in said city, since the date of the last preceding report. No person in the city of Sheboygan engaged in teaching any of the schools of said city, shall be eligible to the office of school commissioner in said city, and no member of the school board of said city shall be employed to teach any of the schools of said city. The common council of said city may make appointments of school commissioners to fill vacancies which may occur from any cause other than the expiration of the term of office of those elected. The commissioners so appointed shall hold their office until the next charter election. Any school commissioner in said city may be removed from office for official misconduct, by the common council thereof, by a vote of two-thirds of the members thereof; but said commissioner shall be granted a full and fair hearing before removal. Money raised by city. Prohibition. Removal of school commissioners.

SECTION 10. All officers elected or appointed under the provisions of this act, shall, within ten days after such election or appointment, take and subscribe an oath or affirmation to support the constitution of the United States and of the state of Wisconsin, and to discharge, faithfully and impartially, the duties of the respective offices to which they are elected or appointed, which oath shall be deposited in the office of the city clerk. Oath.

CHAPTER IV.

OF STREETS AND IMPROVEMENTS.

Laying out of streets, &c.—petition.

SECTION 1. Whenever ten or more freeholders, residents in the same ward, shall petition the common council to lay out a street, alley, square or any other public ground in their ward, specifying in said petition, with reasonable certainty, the metes and bounds of the lands necessary to be taken for the purposes mentioned in the petition, and the names and residences of the owners of such land, so far as the same can be ascertained, which said petition shall be accompanied with a plat of said proposed street, alley, public ground or square, the common council may, (if it appear that the public good will be promoted by granting such petition,) apply to the county judge of the county of Sheboygan for the appointment of a jury to ascertain the necessity for such proposed improvement, and for taking therefor the lands described in said petition. The time and place where such application shall be made, shall be published in two newspapers, one printed in the English language and the other in the German, in said city, for three weeks, at least once in each week, before the same shall be made.

Application to county judge for jury.

Appointment of jury.

SECTION 2. Upon presentation of such application and proof of due publication of the same, at the time and place appointed therein for that purpose, the said judge shall appoint twelve reputable and disinterested freeholders, residents of said city, but not of the ward wherein the lands proposed to be taken for such improvement are situated, who shall be a jury to ascertain and establish the necessity for such improvement, and for taking therefor the lands specified in such petition. The said judge shall thereupon issue his precept, directed to the sheriff of Sheboygan county, requiring him to summon said jurors, to meet at a time and place to be specified in said precept, not more than ten days from the date thereof, to view the lands so proposed to be taken, and to decide upon the necessity for such proposed improvement and for taking such land therefor, and to make due return of their verdict to the common council, within ten days from the time appointed for such meeting. Said precept shall be served by said sheriff on such [each] of the said jurors,

Precept to jury.

by reading the same to him at least two days before the time appointed for such meeting.

How vacancies may be filled.

SECTION 3. In case any of said jurors shall fail to attend at the time and place appointed in said precept, the judge may, upon application of said sheriff, appoint other jurors, who shall be summoned as aforesaid, and who are duly qualified as hereinbefore specified, in place of those so failing to attend, which appointment shall be annexed to or endorsed upon such precept. When such jurors are all present, they shall be sworn by said judge or some other person authorized to administer oaths, faithfully and honestly to discharge the duties required of them by such precept; and the officer administrating [administering] said oath shall certify the fact, which certificate shall be endorsed upon or annexed to such precept.

Jury to be sworn.

Jury to view lands and return written verdict.

SECTION 4. After the jury are sworn, they shall proceed to examine the lands proposed to be taken, and to enquire into the necessity for the proposed improvement and for taking such lands therefor, and shall return their verdict in writing, signed by each juror, to the sheriff, who shall immediately deliver the same, together with said precept, and all papers relating to such proceeding, to the city clerk, to be filed in his office, and such proceedings shall be laid before the common council at its next meeting by said clerk.

If deemed necessary, council may lay out, &c.

SECTION 5. If the verdict of the jury shall be that the proposed improvement is necessary, and that it is necessary to take therefor the lands specified in the petition, or any part thereof, then the common council may proceed to lay out, widen or enlarge such street, alley, public ground or square, (as the case may be,) and open the same, and cause the damages and benefits to be assessed, collected and paid in the manner prescribed by this act.

Fees.

SECTION 6. The sheriff shall receive two dollars for each case, and each juror one dollar per day for all services rendered by them, respectively, on each proceeding relating to laying out, widening or enlarging streets, alleys, public grounds or squares, under this act.

Commissioners for assessing damages, &c.—their duty, &c.

SECTION 7. The assessment of all benefits and damages which may hereafter arise or accrue in laying out, opening or widening the streets in the city, shall be made by three special commissioners, who shall be ap-

pointed by the county judge. Such commissioners shall be residents of the city, but not of the ward in which such damages and benefits are to be assessed. It shall be their duty to assess all such benefits and damages upon the particular lots which will be benefited or injured thereby, and make a report, in detail, of their proceedings, to the common council, which report, immediately upon the making thereof, shall be filed in the office of the city clerk, and the common council shall thereupon approve or reject the same; and if such report be rejected by the common council, it shall forthwith order a new assessment to be made by other commissioners, and when such new assessment shall be ordered, the commissioners shall proceed, as in the first instance, and make their report to the common council, and when such report shall be approved by the common council, the assessment of benefits shall be a lien, from the time of approving such report, upon the several lots, parts of lots or parcels of land upon which they are assessed, and the collection thereof shall be enforced in the same manner as other taxes. The said commissioners, not less than ten days before they shall proceed to the discharge of their duties as provided in this section, shall cause notice to be given to all persons interested of the time when and the place where they will meet for the purpose of determining and awarding the amount of damages and benefits as aforesaid, by publishing such notice in two newspapers, one printed in the English language and the other in the German, in said city: *provided, however*, any person whose property is taken, or against whom an assessment is made, may, within ten days from the approval of such report by the common council, appeal from such assessment of damages or benefits, to the circuit court for Sheboygan county, by filing a notice of such appeal with the city clerk, where such appeal shall be tried by the court and jury as in ordinary cases. The common council shall have the same right of appeal. All damages awarded in pursuance of this section, shall be paid by the city.

Notice to persons interested.

Appeal.

Street improvements—how costs taxable.

SECTION 8. The common council may cause any street in said city to be graded, paved or McAdamized, and such sidewalks as they shall determine, to be constructed or repaired in such manner as they shall determine, and shall direct the costs of such improve-

ments abutting on each lot, part of lot or parcel of land, to be ascertained, which costs shall be a lien upon such lot, part of lot or parcel of land, and shall be collected as prescribed in the next section. The common council shall, by ordinance, prescribe the manner of making such improvements and ascertaining the costs thereof, and the amount of such costs properly chargeable upon each such lot, part of lot and parcel of land; but no such improvements mentioned in this section shall be made, unless upon petition of the owners or their legal representatives, of a majority of the lineal frontage of the lots to be assessed, where such improvement is to be made. Petition.

SECTION 9. Whenever any improvement chargeable to the property adjacent thereto, shall have been completed, the proportion of the costs properly chargeable to each lot, part of lot or parcel of land subject to contribute to the payment of the same, shall be ascertained, and the mayor and city clerk shall forthwith issue to each person occupying any such premises liable so to contribute, a certificate stating the amount assessed and chargeable to the premises occupied by such person, and the amount so chargeable to any particular lot or parcel of land shall be from the time it is so ascertained, a lien and charge thereon, and upon no other property, and shall be collected as a special tax upon such lot, and the collection thereof enforced in the same manner as other taxes. City scrip shall be issued for such expenditures, payable only from the fund arising from such special tax, which scrip shall be received in payment of the special tax out of which it is payable, and no other. The city shall not be liable for nor pay any expenses incurred under this and the preceding section, in any other manner than as herein specified. Special tax for improvements.

SECTION 10. The said common council may cause the public streets, lanes, alleys and public grounds in said city to be surveyed, described and permanently marked on a plat thereof, to be recorded by the clerk in a book to be kept by him for that purpose, in which book shall also be recorded a plat of any new street, lane or alley which may hereafter be established by the common council under the provisions of this act, and any change or alteration that may be made therein, and such survey and record shall be *prima facie* evi- Survey and plat of streets, &c.

proper; and if the owner or owners of such lot or lots shall refuse, within the time specified by said council, to build such docks or other protections, or otherwise comply with the provisions of such ordinances, the common council is hereby authorized and empowered to let the docking and filling of such lots or other specified protection for such lots, by contract, to the lowest bidder for the same; and when it shall be completed according to such contract, and accepted by the common council, the mayor and city clerk shall forthwith issue to the occupant of any and all such lots so filled or docket [docked] by contract, a certificate stating the amount for which each such lot occupied by him, was so docket [docked] or filled, which amount shall be and remain a lien and charge upon the said lot filled, until paid, and upon no other, and shall be collected as a special tax upon such lot or lots, and the collection thereof enforced in the same manner as other taxes. City scrip shall be issued to the contractor for the contract price, and be payable only from the fund arising from such tax, which scrip shall be received in payment of the special tax out of which it is payable, and no other.

Special assessment.

SECTION 16. The city clerk shall, on the first day of December, annually, add to the tax roll of the city, in a separate column, as a special assessment, opposite to the lots to be charged therewith, all outstanding certificates issued by him and the mayor in cases of special improvements, as provided in this act, and the same shall be collected by the treasurer as other taxes upon real estate are collected.

Obstructions to docks and harbor.

SECTION 17. It shall be the duty of the common council to provide for keeping the docks at the foot of the streets in repair, and to remove such obstructions from the harbor opposite to such streets, to the extent of fifty feet from said docks, as interfere with the free navigation of the harbor; but the expense of removing such obstructions last above mentioned, shall not exceed fifty dollars per annum.

CHAPTER V.

OF FINANCE AND TAXATION.

Taxes for payment of city and ward expenses.

SECTION 1. The common council of said city, in addition to the powers and duties imposed upon them,

shall levy an annual tax upon all the taxable property in said city, sufficient to pay the officers of said city, as in this act provided, and to cover the general expenses of the city; and the common council may annually levy upon the property liable to taxation in each ward, a tax to pay the indebtedness or defray the current expenses of such ward; but the amount of all such taxes shall not exceed the sum of four thousand and five hundred dollars in any one year.

Limit to liability of city.

SECTION 2. In no case shall the city be liable for any other evidence of debt issued, or upon any appropriation made, or upon any agreement or contract entered into by any board of officers of said city, or by the common council, beyond the sums which the said common council is by this act authorized to levy upon the taxable property in said city.

Tax list.

SECTION 3. The common council shall, on or before the first Monday in August, in each year, levy upon the whole amount of the equalized assessment of the city, a per cent. sufficient to raise the amount of the several appropriations authorized by this act; and by vote of the common council it shall be the duty of the city clerk, under the direction of the common council, in accordance with such determination, to make a schedule of all the property, as contained in said assessment roll, annexing to each lot, part of lot or other item of property, in separate columns, the amount of tax which shall be chargeable thereon on account of each of the funds hereinafter mentioned, which schedule shall be called the tax list, and shall be recorded by the city clerk in a book to be kept for that purpose; and said tax list, or an authorized copy of the record thereof, shall be conclusive evidence of the amount of taxes assessed for the current year in which the same shall be made out; and the city clerk shall deliver said tax list to the city treasurer on or before the first day of September, annually, and make a record of such delivery in the book where such list shall be recorded, from which day the taxes shall become a lien upon real estate in preference to any other lien, until the same shall be satisfied, with all costs and charges which may accrue thereon, according to law.

Treasurer's notice of receipt of tax list.

SECTION 4. Upon receipt of the tax lists as aforesaid, it shall be the duty of the treasurer of said city, who shall be the collector for the wards, to give public

notice in two newspapers printed in said city, one printed in the English language and the other in the German, that such tax lists have been committed to him for the purpose of collecting the taxes thereon, and that he will receive payment of taxes at his office, in said city, until the last day of December then next ensuing, which notice shall be published at least six weeks, between the last day of September and the last day of December, in the year of said notice.

Collection of taxes.

SECTION 5. In case the taxes on any real estate in said tax list contained, shall remain unpaid after the last day of December next ensuing the publication of such notice, the treasurer shall, in all things, proceed with said tax list as town treasurers are by law directed to do with their delinquent or unpaid taxes, and the county treasurer shall collect the said delinquent city taxes in the same manner as [it is] provided he shall collect delinquent town taxes, and said delinquent or unpaid taxes shall in all things be proceeded with as town delinquent or unpaid taxes.

Collection of taxes on personal property.

SECTION 6. In case any person shall neglect to pay the taxes assessed to his personal or real property, after the publication of the notice herein mentioned, the treasurer shall proceed to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, or of any goods and chattels, on the real estate against which there is any tax unpaid. The treasurer shall give public notice of the time and place of the sale, with a description of the property to be sold, at least ten days previous [previously,] by advertisement in some newspaper, or to be posted up in three public places in the city of Sheboygan, and the sale shall be by public auction. If the property distrained shall be sold for more than the amount of the tax and legal charges thereon, the surplus shall be returned to the owner of such property.

Ibid.—warrant may issue or suit be brought in any other county.

SECTION 7. Whenever taxes on personal property have been or shall hereafter be included in any assessment roll in said city, and have remained or shall hereafter remain unpaid, in whole or in part, until the first day of February next after the same shall have been levied, the city treasurer may, at any time within three years thereafter, issue a warrant, under his hand, directed to the sheriff of Sheboygan county, commanding him to levy the amount of such unpaid taxes, and in-

terest and costs, together with his fees for collecting the same, of the goods and chattels, lands and tenements of the persons to whom such taxes were assessed, and to pay the same to the city treasurer, and to return such warrant within sixty days from the date thereof; or said treasurer may, at any time within said three years, sue for and recover such unpaid taxes, in an action to be brought in the name of the city of Sheboygan, against such person, in any county where he may be found; and the assessment roll and city treasurer's warrant and certificate of non-payment of said tax, or abstract therefrom, certified by the city treasurer, under the seal of said city, shall be *prima facie* evidence of such tax being unpaid, and of the amount which ought to be recovered in such action.

Allowance of claims, passage of ordinances, &c.

SECTION 8. Duplicate lists of all appropriations hereafter made by the common council, shall be delivered by the city clerk to the mayor, within two days after the allowance of the same, who shall approve or disapprove of the same within three days after such delivery, and return one to the city clerk with his approval or disapproval endorsed thereon, and file the other in his office. If he shall approve such appropriation, a warrant for the amount shall be drawn upon the treasurer in favor of the person entitled thereto. If he disapproves the same, no warrant shall be drawn therefor, unless the same shall be allowed by a vote of two-thirds of all the members composing the common council; and no ordinance or resolution passed by the common council shall be of any validity unless approved by the mayor within three days after the passage thereof, unless in case of his disapproval endorsed upon such ordinance or resolution, the common council shall again pass the same by two-thirds, as above provided, at the next regular meeting of the common council; and all appropriations of money made by the common council, shall be on call of the yeas and nays by the clerk, which shall be entered upon the journal, and a majority of all the members of the common council shall be necessary to an appropriation of money.

Salaries of officers.

SECTION 9. The salaries of officers provided for by this act, shall be as follows: The city clerk, one hundred and fifty dollars per annum; the assessors, each twenty-five dollars per annum; the overseer of the poor, fifty dollars per annum; the harbor master or

bridge tender, not to exceed fifteen dollars per month for actual service; watchmen, not to exceed one dollar per diem each, chargeable to the ward fund of the proper ward in which such watchman is employed; city attorney, one hundred dollars per annum; comptroller, seventy-five dollars per annum.

CHAPTER VI.

OF THE FIRE DEPARTMENT.

Council may authorize formation of fire companies, &c.

SECTION 1. The common council shall have power to authorize the formation of fire engine, hook and ladder, hose and sack companies, for the extinguishments of fires, by voluntary enlistment, and provide for their regulation, and may at any time disband any such company.

Officers and by-laws of such companies.

SECTION 2. Each such company may choose it own officers, and pass by-laws for its own government: *provided*, such by-laws be not inconsistent with the laws of this state nor with the laws and ordinances of said city.

List of members, copy of by-laws, &c. to be furnished city clerk.

SECTION 3. The chief officer of each such company shall keep a complete and full list of the members of his company, and the time when each member joined, and a journal of the proceedings of the company, containing a copy of the by-laws adopted by the company for its government, and shall also furnish to the city clerk a duplicate list of the members of his company, and a copy of every by-law passed by it; and in case of receiving new members or the resignation, expulsion or death of a member, or addition to or alteration of any by-law, he shall forthwith notify the city clerk of the same.

List, &c. to be kept by clerk.

SECTION 4. The clerk of said city shall keep a book in which shall be recorded a list of the members of each company in the fire department, and the by-laws of each company; and in case any new member shall be received in any company, or a resignation, expulsion or death occur, or any change shall be made in the by-laws of any company, the same shall be noted in such book, which book shall at all times be open to the public.

Exemption of firemen from jury and military duty.

SECTION 5. Every active member of any such company, and of any military company in said city, shall

be exempt from serving on juries; and every member of the fire department of said city shall, while such member, be exempt from military duty, except in case of war, invasion or insurrection; and when any member of the fire department of said city shall have been actually in service therein for five consecutive years, as a member of one or more of the companies belonging thereto, he shall, upon demand of the city clerk, be entitled to a certificate to that effect, signed by the clerk and mayor under the seal of the city, and thenceforth shall be exempt as aforesaid.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

Printed notice *prima facie* evidence, &c.

SECTION 1. Any newspaper published in said city, purporting to contain any by-law or ordinance of said city, shall be *prima facie* evidence of such publication at the date of said paper.

Style of ordinances.

SECTION 2. The style of all ordinances shall be, "The mayor and common council of the city of Sheboygan, do ordain," etc. The common council shall meet at such time and place as they by resolution shall direct.

Stated meetings.

SECTION 3. The common council shall hold stated meetings on the first Monday of each month, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual place [places] of abode. The common council shall determine the rules of its own proceedings, (*to*) [and] be the judge of the election and qualifications of its own members.

Monthly reports of treasurer.

SECTION 4. The city treasurer shall, on the Saturday preceding each regular meeting of the common council, report to the board of aldermen the amount of money paid into the treasury since his last report, the names of the persons from whom the same was received, the date of the receipt thereof, and the fund upon the account of which the same was paid. The finance committee shall have a right, at all times, to examine all the records, books, papers, vouchers and accounts of the city treasurer, and it shall be their duty, from time to time, to compare his report therewith. If the city treasurer shall, in the opinion of the common

council, willfully neglect to make such report as is required by this section, or shall willfully make a false report, or shall refuse the finance committee access at reasonable times to the records, books, papers, vouchers and accounts in his office, the common council shall declare his office vacant, and appoint a city treasurer in his place, who shall hold his office till the next election.

No member of council or school board to be interested in contracts.

SECTION 5. No member of the common council or school board, nor other officer of said city, shall be a party to, or interested, directly or indirectly, in any contract or job with the city or any ward; and any contract in which any member of the common council, or other officer of the city may be so interested, notwithstanding this prohibition, shall be null and void, and of no force as against said city as a party thereto. And if any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become or cause himself to become interested, directly or indirectly, in any contract or agreement, written or verbal, to which the corporation or any ward shall be a party in interest, or to which any officer or board, under this act, shall officially be a party, or in any question, subject or proceedings pending before the common council, or on which said officer may be called on to act officially, with interest [intent] to gain, directly or indirectly, any benefit, profit or pecuniary advantage, he shall be removed from his office, and the same shall be declared vacant by the common council, and he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by fine not more than two thousand dollars nor less than two hundred, or both, in the discretion of the court.

Annual settlement of demands against city.

SECTION 6. The common council shall settle all claims and demands against the city or any ward, settle with the treasurer annually, and make out and publish accounts of the receipts and expenditures of said city, with the report of the finance committee, before provided for.

Funds.

SECTION 7. All receipts into the treasury shall, as received, belong to the several funds in proportion to the several amounts for each fund; and no moneys raised or received on account of any special fund, shall

be appropriated to any other purpose than that for which they were raised; and the city clerk shall keep separate accounts of the receipts and disbursements of each fund. When interest shall be paid on the redemption of lands sold for the payment of taxes, such interest shall belong to the several funds on account of which such taxes were levied, in proportion to the amount of such taxes.

No interest on scrip.

SECTION 8. Interest shall not be allowed upon any scrip issued by the city, and all warrants or scrip drawn in payment of any indebtedness shall correspond in amount with the amount allowed by the common council for which it was issued.

Funds.

SECTION 9. All moneys received or collected in said city under and by virtue of chapter one hundred and seventy-five of the general laws of 1860, entitled "an act to regulate and license the keeping of dogs," shall be paid into the city treasury and belong to the "poor fund."

Special police.

SECTION 10. In cases of emergency, the mayor may appoint a special police, and the common council shall provide, by ordinance, for such appointment and the duties to be performed by such police, in preserving the peace and good order of the city.

Summary arrests by constables.

SECTION 11. It shall be the duty of the constables of the city, and they are hereby authorized and required, summarily to arrest and take before any justice of the peace of the city, any person who shall be found within the corporate limits of said city in a state of intoxication, or who shall be guilty of boistreous levity or obscenity, or any breach of the peace, by making any improper noise, disturbance or indecent exposure of his person, or by firing guns, or fighting or threatening to fight, or in any other manner shall be engaged in violating any ordinance of said city made for the preservation of the peace and good order thereof; and said justice shall have power to hear, try and determine all such offenses; and any person convicted of any offense specified in this act, where no other punishment is specified by law, or by any ordinance of said city, shall be punished by a fine of not less than two dollars nor more than fifty dollars, or by imprisonment in the county jail or city lock-up, not less than three days nor more than fifty days, in the discretion of the court; and in all cases the justice shall impose the payment

Power of justices.

Fine.

Defendant may be committed.

of the costs of prosecution upon the person so convicted as a part of the punishment; and in default of the payment of such fine and costs, the justice shall commit the defendant to such county jail or city lock-up, for such number of days, not exceeding thirty nor less than five, as he may think proper. But in case any person shall be committed for non-payment of any such fine or costs, he shall be discharged upon payment of the same, together with the costs and expenses of his imprisonment, to the sheriff or other officer having charge of such jail or lock-up.

Officers may arrest without process.

SECTION 12. Any officer making any arrest under the provisions of this act, may, if necessary, commit the person arrested to such jail or lock-up, without process, and such person shall be delivered up to such officer by the keeper of such jail or lock-up, without process: *provided*, that if such officer does not demand the person so committed within twenty-four hours, Sunday excepted, after such committal, the officer having charge of such prison shall discharge the person so arrested from confinement.

Discharge.

Fines to go to city.

SECTION 13. All fines collected in pursuance of this act, shall be paid into the city treasury by the person receiving the same, immediately after the receipt thereof.

SECTION 14. The following, or equivalent forms, may be used in proceedings under this act, or in proceedings for any violation of the charter or any ordinance of said city:

FORM OF COMPLAINT.

Form of complaint.

STATE OF WISCONSIN,
Sheboygan county, } ss.
City of Sheboygan,

A. B., being duly sworn and examined, makes complaint and says, that in said city, on the —— day of ———, A. D. eighteen hundred and ——, one C. D. was guilty of (here state the nature of the offense,) in violation of law, and prays that the said C. D. may be apprehended, to answer therefor.

A. B.

Subscribed to before me this —— day of ——, 18—.

——— ———, Justice of the peace.

Warrant may issue.

Upon such complaint being filed with the justice, he

may issue a warrant for the apprehension of the party complained of, which warrant may be in the following form: *provided, always*, that in any case where an offender may have been arrested without warrant, the said justice may proceed upon the complaint alone:

FORM OF WARRANT.

Form of warrant.

STATE OF WISCONSIN,
Sheboygan county, } ss.
City of Sheboygan,

THE STATE OF WISCONSIN,

To the sheriff of Sheboygan county, or any constable of the city of Sheboygan:

Whereas, A. B. has this day complained to me, in writing, on oath, that in the said city, on the —— day of ——, A. D. eighteen hundred and ——, one C. D. was guilty of (here state the nature of the offense:) Now, therefore, in the name of the state of Wisconsin, you are hereby commanded to arrest the said C. D., and bring him before the undersigned, one of the justices of the peace of the said city, to answer to the said complaint, and to be dealt with according to law.

Given under may hand, this —— day of ——, A. D. 18—.

J. P., Justice of the peace.

Application of laws.

SECTION 15. All the general provisions of law concerning the trial of criminal offenses, the fees of officers, and proceedings in which, upon trial, the justice finds he has no final jurisdiction of the case, shall govern trials under this act, unless otherwise provided in this act: *provided*, that in all convictions under this act, where a punishment for the offense is prescribed in the general statutes of this state, or in any ordinances of said city, the penalty as prescribed by such statutes or ordinances, shall be imposed upon the person so convicted.

Penalty for violation of ordinances, &c.

SECTION 16. In all cases in which, by the provisions of this act, the common council have power to pass ordinances or by-laws, they may prescribe any penalty for the violation thereof, not exceeding fifty dollars for any one offense, and may also provide that, in default of payment of any judgment rendered for such violation or omission, the defendant may be imprisoned, not exceeding forty days, in the common jail or the lock-up of said city.

Fees of present officers.

SECTION 17. All the present officers of said city shall hold their offices until the first election shall be held under this act, and until their successors elected at such election shall be qualified; and all the existing ordinances of said city, not inconsistent with the provisions of this act, are hereby declared to be in full force until altered or repealed by the common council; and a printed copy of an ordinance published in a newspaper or pamphlet, by authority of the common council, shall be *prima facie* evidence of the passage and publication of such ordinance.

Ordinances.

Executions—what to contain.

SECTION 18. Executions issued upon judgments obtained for violation or non-observance of ordinances or by-laws of the city, may contain a clause directing the imprisonment of the defendant for such time as shall have been provided by ordinance under which the judgment shall be rendered, in case of the non-payment thereof by the defendant; and all fines, penalties and forfeitures, when collected, shall be paid into the city treasury for the use of the city.

Ordinances, &c. to be published.

SECTION 19. Ordinances, regulations, rules or by-laws imposing any penalty or forfeiture for the violation of their provisions, shall be published one week in some newspaper published in said city, before the same shall be in force; and proof of such publication, by the affidavit of the printer or foreman in the office of such paper where the publication was made, shall be conclusive evidence of such publication and promulgation of such ordinance, regulation, rule or by-law.

Poor committee—their duty, &c.

SECTION 20. The aldermen elected in each ward for the term of two years, shall constitute a poor committee, and no person shall receive aid from the poor fund, either directly or indirectly, for more than thirty days, before their case is presented by the overseer of the poor to said committee; and if in the opinion of a majority of such committee, such person is entitled to or needs relief from the poor fund, such poor person shall be sent to the poor farm or other place provided by the city for the reception of paupers. And the overseer of the poor is hereby prohibited from furnishing aid to any poor person for more than thirty days from the time such aid is commenced to be furnished, before presenting the case to the poor committee; and for each and every violation of the provisions of this section, the person so violating the same shall forfeit to

Prohibition.

Penalty.

the use of the poor of said city, the sum of twenty-five dollars.

SECTION 21. Whenever, according to the provisions of this act, any building is in good faith blown up, torn down or otherwise destroyed by the proper officers of the city, to prevent the spreading of a conflagration, and it shall appear that such building would not have been destroyed by the fire then raging, the owner of such building shall be entitled to recover the value thereof of the said city, after deducting the amount received by such owner for insurance; and such value shall be determined by a committee of three, to be appointed by the common council. Either the party who claims damage from the city, or the city, may appeal to the circuit court of Sheboygan county, from the decision of the committee, by filing notice of such appeal with the clerk of the city within twenty days after the said decision shall have been filed with the said clerk. Upon the filing of the said notice of appeal with the said clerk, he shall forthwith transmit the same, together with a copy of the report of the committee containing the decision appealed from, to the clerk of the circuit court, together with one dollar for state tax, to be paid by the appellant, whereupon the court shall proceed to hear and try the same, as in other causes. Payment for buildings blown up, &c.

SECTION. 22. All moneys raised or received for the support of the poor, shall constitute a separate fund, to be denominated the "poor fund." All moneys raised or received to pay the indebtedness or defray the current expenses in each ward, shall constitute a separate fund, and be denominated the "ward fund." All moneys raised, not herein appropriated to some other fund, shall constitute a separate fund, to be denominated the "general fund." Funds.

SECTION 23. All election expenses for city, ward and general election [elections,] shall be chargeable to the ward fund of the proper ward. Election expenses.

SECTION 24. All acts and parts of acts inconsistent with this act, are hereby repealed; and all offices created for said city by any other act, are hereby vacated from and after the election and qualification of officers under this act. Repeal—offices vacated.

SECTION 25. This act shall take effect and be in force from and after the 20th day of March, eighteen hundred and sixty-three. To take effect.

This act to be submitted to a vote.

SECTION 26. At the general election to be held on the Tuesday next succeeding the first Monday in November, in the year 1862, at all the places of holding elections in said city for the election of all officers required by law then to be elected, the question whether this act shall become a law and go into effect, or in any manner be in force, shall be submitted to the qualified electors of said city; and if the same shall be approved by a majority of all the votes cast on the subject, it shall go into effect; otherwise it shall not go into effect nor be in force.

Form of ballots, return, &c.

SECTION 27. The votes cast on the subject specified in the last preceding section, shall be by separate ballot, and shall have written or printed, or partly written or partly printed on each of them, the words "for amendments to and consolidation of the city charter," or "against amendments to and consolidation of the city charter," which words shall indicate the vote for or against the approval of this act; and the ballots so cast shall be canvassed and returned in the same manner as the votes cast for city officers are required by the city charter to be canvassed; and the common council shall immediately, on the completion of said canvass, publish a statement of the result thereof, in the official paper of said city.

Approved June 18, 1862.

CHAPTER 400.

[*Published June* 26, 1862.]

AN ACT to legalize the official acts of Geo. M. Bartholomew, a justice of the peace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May file oath and bond within thirty days.

SECTION 1. It shall be lawful for George M. Bartholomew, a justice of the peace of the town of Lodi, in the county of Columbia, who was duly elected in April, 1862, for the term of two years, to make and file with the proper officer his official oath and bond, at

any time within thirty days after the passage of this act; and the said justice of the peace shall continue to hold said office and exercise the powers and duties of a justice of the peace during term for which he was elected.

Prior acts not invalid.

SECTION 2. None of the official acts of said justice of the peace shall be deemed or taken to be invalid or illegal, for the reason that the said justice of the peace had not taken or filed his official oath or executed and filed his official bond within the time and in the manner prescribed by law.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved June 18, 1862.

CHAPTER 401.

[*Published June* 26, 1862.]

AN ACT to legalize the official acts of Ambrose Spencer, as justice of the peace in the town of Magnolia, and county of Rock.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. That all the official acts of Ambrose Spencer, as justice of the peace of the town of Magnolia, and county of Rock, in this state, prior to the passage of this act, so far as the same are consistent with the general laws of this state, are hereby legalized and declared to be as valid, for all purposes, as though the said Ambrose Spencer had caused his official bond and oath of office to have been made and filed according law.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved June 18, 1862.

CHAPTER 402.

[*Published June* 26, 1862.]

AN ACT to incorporate the German Methodist aid society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporators.

SECTION 1. That Rev. Christian Loeber, Henry Wegener, Samuel Wuest, Christian Barth and Phillip Gross, and their associates, together with such other persons as may be hereafter associated with them, be and are hereby created a body corporate and politic, with perpetual succession, to be styled the "German Methodist aid society," and shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, to acquire, hold and convey property, real, personal and mixed, to have and to use a common seal, and the same to alter and amend at pleasure.

Style and powers.

Location.

SECTION 2. The society will be located in the city of Milwaukee, Wisconsin.

Objects.

SECTION 3. The objects of the society shall be to support sick and suitably bury deceased members, to aid the widows of deceased members, and assist in the support and education of their minor children, and to care for and manage the estates of deceased members.

Officers.

SECTION 4. The officers of the society shall consist of a president, vice-president, financial secretary, recording secretary, treasurer and three trustees, the five first [first five] of which shall be elected semi-annually, by ballot, on the first Mondays of May and November, in each year, and the latter annually, in the same manner, on the first Monday of May, in each year. The first meeting of the society shall be called by the corporators, and notice thereof given by publication in a newspaper printed in the city of Milwaukee, at which officers shall be elected, whose terms of office shall expire at the periods provided for the annual election of the same.

First meeting.

Further powers.

SECTION 5. The said corporation shall have power to make, from time to time, such by-laws, rules and regulations as shall be judged expedient and proper, with regard to the election of officers, their duties and

functions, the admission of members, regulating admission fees and amount of annual contribution to the funds of the society, fixing the times and places of meeting, suspending or expelling members, filling vacancies in the offices of the society, managing and disposing of the funds of the society, and managing the general affairs of the association.

SECTION 5. The legislature may alter, amend, modify or repeal this act at any future session.

Approved June 18, 1862.

STATE OF WISCONSIN, }
SECRETARY'S OFFICE, } ss.

The secretary of state of the state of Wisconsin, does hereby certify, that the laws published in this book have been compared with the originals deposited in this office, and that they appear to be correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the state, at the capitol in Madison, this 8th day of September, one thousand eight hundred and sixty-two.

[L. S.]

JAMES T. LEWIS, *Secretary of state.*

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